

10-4 916
IN THE MATTER OF
THE APPLICATION OF
LENORA JACKSON-CHAPMAN, ET AL
FOR VARIANCE ON PROPERTY
LOCATED ON THE NORTH SIDE OF
BUCKINGHAM ROAD, 615' SOUTH
OF CAMPFIELD ROAD
(4114 BUCKINGHAM ROAD)
3RD ELECTION DISTRICT
3RD COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 96-69-A

* * * * *

OPINION

This case comes to the Board of Appeals from the decision of the Zoning Commissioner to deny the Appellants' Petition for Variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations to permit a side yard setback of 0 feet for an attached garage and a sum of the side yard setbacks of 10 feet, in lieu of the minimum required 10 feet and 25 feet, respectively.

The Appellants, Lenora Jackson-Chapman and Barry Chapman, appeared and testified in their own behalf. Cynthia Williams, Richard Williams and Joan Alston appeared and testified as Protestants. Neither Appellants nor Protestants were represented by counsel.

Mrs. Jackson-Chapman testified that she and her husband, who have lived at the subject property for 10 years, decided to build an attached garage to their single family dwelling after a complaint was made to the county against them by a neighbor for keeping several cars in their back yard. She testified that they built the garage also as a safety measure to help block neighborhood children from getting into their back yard swimming pool and to help prevent thefts, as they had had two bicycles taken from their back yard a few years ago.

The garage was built on the side of the house adjacent to 4116 Buckingham Road, the home of Mr. and Mrs. Williams. An attached carport had existed at this location.

The Appellants did not initially obtain a building permit when they began construction of the garage but obtained one on July 12, 1995, after receiving a correction notice from the county on July 11, 1995. They received a second correction notice on July 25, 1995 for noncompliance with the permit and failure to observe setbacks (Appellants' Exhibit 1, E and I).

Mr. Williams testified that a swale between his house and the Appellants' house used to carry rainwater flowing down Buckingham Road to the rear of the two properties, but the subject garage was built over the swale and now acts as a dam, preventing the water from draining to the back. He testified that he did not notice any water problem until the garage created one.

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Mr. and Mrs. Chapman both denied that the garage had created any water problems, testifying that a drainage problem had always existed on their property. Mrs. Chapman testified that water collects on their property from half a block when it rains, and there is no drainage.

Mr. Williams further testified that according to measurements he took, the house and the Chapmans' house were formerly 16 feet apart, but that with the construction of the garage, which abuts or may even go over the property line, the houses are now only 8 feet apart. The Protestants presented as evidence a copy of an unsigned agreement dated June 24, 1995, which would grant the Chapmans a 1 1/2-foot easement of property between the Chapmans' and Williams' houses (Protestants' Exhibit 2). Testimony indicated that the Appellants asked Mr. and Mrs. Williams to sign the agreement, but they declined to do so.

Joan Alston, Zoning Chairman and representative for the Villa Nova Community Association, testified that the garage could pose a tremendous fire hazard, as there is only a distance of 8 feet between the Appellants' and the Williams' houses. She further testified that if the variance is allowed, it might reduce neighborhood property values.

The granting of variances is governed by Section 307.1 of the Baltimore County Zoning Regulations, which provides, in relevant part, that variances may be granted

only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance . . . would result in practical difficulty or unreasonable hardship.

The Court of Special Appeals, in Cromwell v. Ward, 102 Md. App. 691 (1995), has construed this regulation to mean that obtaining a variance is basically a two-step process. The first step requires a finding that the subject property is unique and unusual in a manner different from the nature of surrounding properties such that the uniqueness and peculiarity of the subject property causes the zoning provision to impact disproportionately upon that property. The second step requires a finding that denial of the requested variance would result in practical difficulty or unreasonable hardship.

When questioned by the Board, Mrs. Chapman stated that her property is 62 1/2 feet wide, and that some properties in the neighborhood are larger and some smaller. She said that the 50-foot frontage of her house was typical of houses in the neighborhood, and that the shape of her lot was not unusual. She testified that the elevation of her property was the lowest on the block, but

she admitted that flooding was not unique to her property.

Cromwell v. Ward states that "Unless there is a finding that the property is unique, unusual, or different, the process stops here and the variance is denied without any consideration of practical difficulty or unreasonable hardship."

This Board finds that the Appellants failed to present any testimony or evidence showing that their property was unique in such a manner that the side yard setback requirements would impact disproportionately on their property. Thus, the first step of the variance process was not met, and the practical difficulty or unreasonable hardship requirement cannot be properly considered.

However, even assuming, for the sake of argument, that the property meets the requirement of uniqueness, the Appellants failed to produce convincing evidence of practical difficulty or unreasonable hardship.

They argued that the need to comply with county regulations prohibiting the parking of their three valuable cars in their back yard placed a hardship upon them which necessitates relief through the granting of a variance for a garage. But Mr. Chapman stated on cross-examination that he never considered building a garage in the back yard, where a variance might not be needed.

More importantly, the Board finds that any hardship engendered by the ownership of three valuable cars, which the Appellants do not want to park on the street for various reasons, is a self-created hardship, which is not proper grounds for a variance.

The Appellants also argued that the garage helps block access to their back yard, thus helping to prevent back yard thefts and neighborhood children from getting into their pool. The Board finds that these are practical difficulties that can be addressed through conventional means such as adequate fencing and outdoor lighting and alarms, and do not qualify as practical difficulties sufficient for the granting of a variance for a garage.

For these reasons the Board will deny the Petition for Variance.

ORDER

IT IS THEREFORE this 4th day of October, 1996 by the
County Board of Appeals of Baltimore County

ORDERED that the Petition for Variance seeking relief from Section 1B02.3.C.1 of the

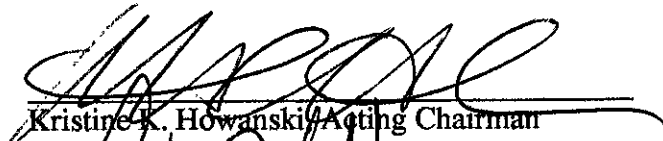
RECORDED

Baltimore County Zoning Regulations to allow a side yard setback of 0 feet, for an attached garage, and a sum of the side yard setbacks of 10 feet in lieu of the minimum required 10 feet and 25 feet respectively, be and is hereby **DENIED**; and it is further

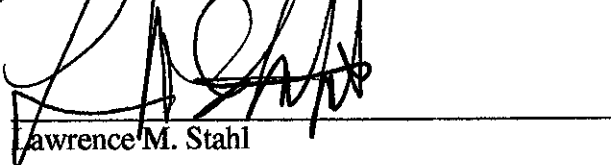
ORDERED that the garage shall be removed within 120 days from the date of this Order or, if this Order is appealed, then within 120 days from when a final decision is rendered in this matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY



Kristine K. Howanski Acting Chairman



Lawrence M. Stahl



S. Diane Levero

RECORDED

CIRCUIT COURT FOR BALTIMORE COUNTY
Suzanne Mensh
Clerk of the Circuit Court
County Courts Building
401 Bosley Avenue
P.O. Box 6754
Towson, MD 21285-6754
(410)-887-2601, TTY for Deaf: (800)-735-2258

09/25/97

Case Number: 03-C-96-011216 AE
Date Filed: 11/01/96
Status: Closed/Active
Reference Number: 96-69-A
Judge Assigned: To Be Assigned,

In The Matter of: Lenora Jackson Chapman , et al

C A S E H I S T O R Y

OTHER REFERENCE NUMBERS

Description	Number
Reference Number	96-69-A

INVOLVED PARTIES

Type Num	Name(Last,First,Mid,Title)	Dispo	Entered
PET 001	Jackson Chapman, Lenora Attorney: 0006910 Cohen, Barry A 90 Painters Mill Road Suite 230 Owings Mills, MD 21117 (410)356-4500	CT DO	09/12/97 11/01/96
PET 002	Chapman, Barry Attorney: 0006910 Cohen, Barry A 90 Painters Mill Road Suite 230 Owings Mills, MD 21117 (410)356-4500	CT DO	09/12/97 11/01/96
ITP 001	Baltimore County Board Of Appeals Old Courthouse/Rom 49 400 Washington Avenue Towson, MD 21204	CT DO	09/12/97 11/01/96
ITP 002	Williams, Richard B 4116 Buckingham Rd Balto, MD 21207	CT DO	09/12/97 12/05/96

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Type	Num	Name(Last,First,Mid,Title)	Dispo	Entered
ITP	003	Williams, Richard B, Mrs 4116 Buckingham Rd Balto, MD 21207	CT D0	09/12/97 12/05/96
ITP	004	Villa Nova Community Association Inc Capacity : JJoan Alston,Chairman Attorney: 0012544 Tanczyn, Michael P Michael P. Tanczyn, P.A. Suite 106 606 Baltimore Avenue Baltimore, MD 21204 (410)296-8823	CT D0	09/12/97 12/05/96

CALENDAR EVENTS

Date	Time	Dur	Cer	Evnt	Jdg	L	Day	Of	Rslt	By	ResultDt	Jdg	T	Notice	Rec
07/21/97	09:30A	002	yes	CIVI	TBA	D	01	/01	POS	C	07/21/97	JGT	P		
09/04/97	09:30A	002	yes	CIVI	TBA	D	01	/01	VAC	C	09/12/97		P		

JUDGE HISTORY

JUDGE ASSIGNED	Type	Assign	Date	Removal	RSN
TBA To Be Assigned,	J		11/01/96		

DOCUMENT TRACKING

Num/Seq	Description	Filed	Received	Party	Routed	Ruling	Closed	User ID
001000	Petition for Judicial Review Case No. 96-69-A.	11/01/96		TBA	PET001		09/12/97	DA LG
001001	Answer and Mrs. Williams	12/09/96	12/05/96	TBA	ITP002		09/12/97	PH LG
001002	Answer in Proper Person	12/09/96	12/05/96	TBA	ITP004		09/12/97	PH LG
002000	Request for Jury Trial	11/01/96		TBA	PET001			DA DA
003000	Certificate Of Notice	11/12/96	11/07/96	TBA	000		09/12/97	JH LG
004000	Motion to extend time limits for memorandum of law and to transcribe the record with Order of Court extending the time for the Clerk of the District Court for	01/02/97		BEC	PET001	Granted	01/02/97	AS AS

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Baltimore County to 60 days, etc., fd.

Num/Seq	Description	Filed	Received	Party	Routed	Ruling	Closed	User ID
005000	Waiver of Jury Trial Entry of 11/1/96 Request for Jury Trial filed in error.	02/14/97		TBA	PET001		09/12/97	DA LG
006000	Notice of Appeal Sent	03/05/97	03/05/97	TBA	ITP001	03/05/97	03/05/97	JH JH
007000	Notice of Appeal Sent	03/05/97	03/05/97	TBA	ITP002	03/05/97	03/05/97	JH JH
008000	Notice of Appeal Sent	03/05/97	03/05/97	TBA	ITP003	03/05/97	03/05/97	JH JH
009000	Notice of Appeal Sent	03/05/97	03/05/97	TBA	ITP004	03/05/97	03/05/97	JH JH
010000	Notice of Appeal Sent	03/05/97	03/05/97	TBA	PET001	03/05/97	03/05/97	JH JH
011000	Notice of Appeal Sent	03/05/97	03/05/97	TBA	PET002	03/05/97	03/05/97	JH JH
012000	Transcript of Record from Adm Agency **	03/05/97	03/04/97	TBA	000		09/12/97	JH LG
013000	Notice - Recpt of Record of Proceedings ** copies sent.	03/05/97	03/04/97	TBA	000		09/12/97	JH LG
014000	Memorandum of law Filed by PET001-Jackson Chapman, Lenora, PET002-Chapman, Barry	04/02/97	03/31/97	TBA	PET001		04/02/97	PH PH
015000	Scheduling Order	04/07/97	04/07/97	TBA	000	04/07/97	04/07/97	JD JD
016000	Memorandum Of Law	05/16/97	05/15/97	TBA	ITP004		05/16/97	CB CB
017000	Scheduling Order	06/20/97	06/20/97	TBA	000	06/20/97	06/20/97	JD JD
018000	Scheduling Order	07/23/97	07/23/97	TBA	000	07/23/97	07/23/97	JD JD
019000	**Attorney Appearance Filed entering the appearance of Barry A Cohen for Lenora Jackson-Chapman and Barry Chapman. Filed by PET001-Jackson Chapman, Lenora, PET002-Chapman, Barry	09/03/97	09/03/97	TBA	PET001		09/03/97	CB CB
020000	Open Court Proceeding September 4, 1997 - Hon. Dana M. Levitz. Hearing had. Opinion to be filed.	09/04/97		DML	000		09/12/97	DF LG
021000	Opinion of the Court Affirming Descision	09/12/97		DML	000	Ruled	09/12/97	LG LG
022000	Invoice #5635 sent to Barry Cohen	09/16/97		TBA	000			LG LG
023000	sent docket entries to Board of Appeals	09/19/97		TBA	000			LC LC

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TICKLE

Code	Tickle Name	Status	Expires	#Days	AutoExpire	GoAhead	From	Type
1YRT	One Year Tickle (Jud	CLOSED	11/01/97	365	no	no		DAAA D
1ANS	1st Answer Tickle	CLOSED	12/05/96	0	no	no		DANS D
SLTR	Set List For Trial	DONE	12/05/96	0	yes	yes		1ANS T
SLMR	Set List For Motions	CANCEL	01/24/97	22	no	no		MEXT D
SLTR	Set List For Trial	CANCEL	07/14/97	0	yes	no		CIVI S
SLIL	Set List - Informati	CLOSED	09/03/97	0	no	no		DAAF D
EXPU	Exhibit Pickup Notic	OPEN	11/11/97	30	no	no		

EXHIBITS

Line #	Marked	Code Description	SpH	Sloc	NoticeDt	Disp Dt	Dis By
Offered By: ITP 001 Baltimore County Board Of App							
000		B BOX 488 ZOANING EX	B				

DIFFERENTIATED CASE MANAGEMENT
TRACKS AND MILESTONES

Track : R1 Description: EXPEDITED APPEAL TRACK Custom: Yes
Assign Date: 04/07/97 Order Date : 07/23/97
Start Date : 04/07/97 Remove Date:

Milestone	Scheduled	Target	Actual	Status
Motions to Dismiss under MD. Rule 2-322(04/22/97	09/12/97	09/12/97	CLOSED
TRIAL DATE is	09/04/97	07/06/97	09/12/97	CLOSED
All Motions (excluding Motions in Limine	07/26/97	09/12/97	09/12/97	CLOSED

RECEIVED
SEP 25 1997
FBI - BALTIMORE

9/10/97

IN THE MATTER OF CHAPMAN

Petitioner

v.

THE BALTIMORE COUNTY
BOARD OF APPEALS

Respondent

IN THE

CIRCUIT COURT

FOR

BALTIMORE COUNTY

96-C-11216

RECEIVED
COUNTY BOARD OF APPEALS

97 SEP 22 PM 1:28

Opinion

This matter came before the Court on September 4, 1997, on Petitioner's appeal from the Baltimore County Board of Appeal's decision affirming the Baltimore County Zoning Commission's denial of a variance. The variance sought was a side yard of 0 feet for an attached garage and a sum of the side yard setbacks of 10 feet, in lieu of the minimum required 10 and 25 foot, respectively, required.

The Court has reviewed the file, read the transcript and heard oral argument from all interested parties. In reviewing the final decision of an administrative agency, the Court determines only the legality of the decision and whether there was "substantial evidence" from the record as a whole to support the decision. Board of Education, Montgomery County v. Paynter, 303 Md. 22, 35, 491 A.2d 1186, 1192 (1985). The Court may reverse or modify an administrative decision if a substantial right of the appellant has been prejudiced because a finding, conclusion or decision of the agency: (i) is unconstitutional; (ii) exceeds the statutory authority or jurisdiction of the agency; (iii) results from an unlawful procedure; (iv) is affected by other error of law; (v) is unsupported by competent, material and substantial evidence in light of the entire record as submitted; or (vi) is arbitrary or capricious. Md. Code Ann., State Gov't § 10-

222(h)(3). The "reviewing court must defer to an agency's factual findings and inferences that are supported by substantial evidence." Karwacki v. Motor Vehicle Administration, 340 Md. 271, 280, 666 A.2d 511, 515 (1995). Substantial evidence means "such relevant evidence as a reasonable mind might accept as adequate to support a conclusion." Id. (quoting Caucus Distributors, Inc. v. Maryland Securities Commissioner, 320 Md. 313, 324, 577 A.2d 783, 788 (1990)).

Furthermore under Cromwell v. Ward, 102 Md. App. 691, 651 A.2d 424 (1995), the Court of Special Appeals construed the Baltimore County Zoning Regulations regarding obtaining variances as a two-step process. The Circuit Court adopts the analysis by the Board of Appeals, which stated:

The first step requires a finding that the subject property is unique and unusual in a manner different from the nature of surrounding properties such that the uniqueness and peculiarity of the subject property causes the zoning provision to impact disproportionately upon that property. The second step requires a finding that denial of the requested variance would result in practical difficulty or reasonable hardship.

Applying Cromwell, the Baltimore County Zoning Commission found that the garage, as and where constructed, detrimentally affects the adjacent property. Additionally, the Zoning Commissioner did not find the testimony persuasive that the property is unique or that there is a practical difficulty warranting such a variance. Therefore, the variance was denied and the Petitioner was ordered to remove the garage within 120 days from when a final decision is rendered.

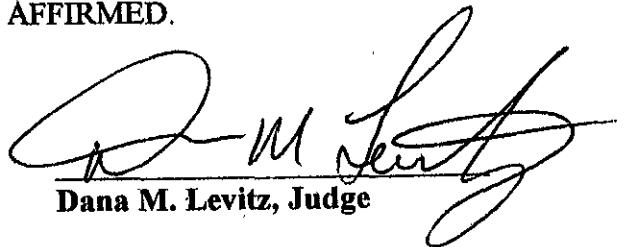
Petitioner appealed the Zoning Commission's finding and, on October 4, 1996, the Baltimore County Board of Appeals affirmed the decision below. The Board of Appeals found

that the record below contained the facts necessary to support the Commission's decision.

It is from this ruling that Petitioner appeals. Petitioner raises the following six (6) issues on appeal: (i) the Board's decision is arbitrary and capricious; (ii) the Board's decision was made against public policy and does not promote the general welfare of the petitioners who are taxpayers of Baltimore County; (iii) the Board had no compelling interest to deny the variance; (iv) the Petitioner's constitutional rights (14th Amendment of the United States Constitution) were violated; and (v) the Board's decision was not supported by the facts on the record below.

The Court did not address the constitutional issues as it was not brought up in the Board's hearing. Furthermore, the Court finds ample facts in the transcripts of both records below to support the Board of Appeals decision to affirm the Zoning Commission's determination in this matter. As such, the decision of the Baltimore County Board of Appeals, that the record below (the transcript of the hearing before the Baltimore County Zoning Commission) contained the facts necessary to support the Commission's decision, is **AFFIRMED**.

Date: 9/10/97


Dana M. Levitz, Judge

cc: Michael P. Tanczyn, Esquire
Barry Cohen, Esquire

3)The Petitioners are meeting with Attorney Barry Cohen at 1:00 P.M. on 7-11-97 to retain counsel but he also has a conflict with the scheduled date. *Have retained counsel.*

4)The matter before the Court is not causing inconvenience or harm to the parties of the Villa Nova Community Association. They are granted an Attorney by the County and we should be allowed to enjoy the same due process.

5)The Petitioners are experiencing a hardship, which qualifies as an emergency.

Wherefore the Petitioners pray that the motion to request a postponement be granted and such other relief be granted as the nature of this petition may require.

Lenora Jackson Chapman
LENORA JACKSON-CHAPMAN, PRO SE

Barry Chapman
BARRY CHAPMAN, PRO SE

CERTIFICATE OF SERVICE

We hereby certify that a copy of this motion to request a postponement was mailed postage prepaid to Mr. and Mrs Richard Williams 4116 Buckingham Road Baltimore, Maryland 21207, County Board of Appeals, Baltimore County at the Old Courthouse Room 49, 400 Washington Ave. Towson, Maryland 21204 c/o Kristine Howanski, Lawrence Stahl and S. Diane Levero, and Attorney Michael Tanzcyn at 606 Baltimore Ave. Suite 106 Towson, Maryland 21204. Faxed to Attorney Tanzcyn 410-296-8827.

5/15/97

IN THE PETITION OF
LENORA JACKSON-CHAPMAN
and BARRY CHAPMAN
4114 Buckingham Road
Baltimore, Maryland, 21207

FOR JUDICIAL REVIEW OF
THE DECISION OF THE
County Board of Appeals of
Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland, 21204

Appellants

v.

VILLA NOVA COMMUNITY
ASSOCIATION, INC.

Appellees

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY

Case No. 03-C-96-011216

* * * * *

APPELLEE'S MEMORANDUM OF LAW

NOW COMES, Villa Nova Community Association, Inc., Appellee, by its attorney, Michael P. Tanczyn, Esq., and pursuant to Maryland Rule 7-207 files herewith the enclosed Memorandum of Law.

CASE BACKGROUND

Appellants, Lenora Jackson-Chapman and Barry Chapman, owners of a residence located at 4114 Buckingham Road, Baltimore, Maryland, 21207, after constructing a garage attached to their premises, belatedly filed a Petition to obtain a necessary Variance

on August 25, 1995. The Variance sought was a side yard of 0 feet in lieu of the required distance for an attached garage and another Variance for a sum of side yard setbacks of 10 feet in lieu of the minimum 10 and 25 foot, respectively, required.

By Decision on December 15, 1995 the Zoning Commissioner denied the Petition for Variance and Ordered that the garage be removed within 120 days. The owner/Petitioners appealed that Decision on January 11, 1996 to the County Board of Appeals of Baltimore County.

The County Board of Appeals of Baltimore County heard the Petitioner's case on July 24, 1996 and by Decision October 4, 1996 denied the Variance request and Ordered that the garage be removed within 120 days. Petitioners filed a Petition for Judicial Review thereafter, and Villa Nova Community Association, Inc., a participant below, filed a response noting its intent to participate in these proceedings.

QUESTIONS PRESENTED

1. Whether the Decision of the County Board of Appeals denying the requested Variances was based on substantial evidence and fairly debatable, and thus, must be upheld on review?

2. Whether the Petitioners met their burden to show uniqueness and all of the other requirements to obtain a Variance under Baltimore County Zoning Regulations, Section 307?

STATEMENT OF FACTS

Petitioners, Lenora Jackson-Chapman and Barry Chapman, who owned a residence at 4114 Buckingham Road, Baltimore County, Maryland, 21207, built an attached garage to their residence in violation of Baltimore County setback requirements. After building the garage they belatedly filed a Petition for Variance which was opposed by their neighbors and the community association and was denied by both the Zoning Commissioner for Baltimore County and by the County Board of Appeals for Baltimore County on de novo review.

ARGUMENT

- I. THE DECISION OF THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY WAS BASED ON SUBSTANTIAL EVIDENCE AND FAIRLY DEBATABLE AND THUS MUST BE UPHELD ON REVIEW.

The Court of Special Appeals recently held that "[t]he order of a county zoning authority 'must be upheld on review if it is not premised upon an error of law and if [itw] conclusions reasonably may be based upon the facts proven.'" (emphasis added). Evans v. Shore Communications, 112 Md.App. 284, 298 (1996); (quoting Umberly v. People's Counsel, 108 Md.App. 4978, 672 A.2d 173, cert. denied, 342 Md. 584, 678 A.2d 1049 (1996)). Additionally, it held:

...the action of the zoning authority is "fairly debatable" if based on substantial evidence; and that the fairly debatable test "accords with the general standard for judicial review of the ruling of an administrative agency, which [is] defined as whether a reasoning mind reasonably could have reached the factual conclusion the agency reached; this need not and must not be either judicial fact-finding or a substitution of judicial

judgment for agency judgment. (Citations omitted). Id.

Further, the standard of review requires the following three-step analysis:

1. First, the reviewing court must determine whether the agency recognized and applied the correct principles of law governing the case. The reviewing court is not constrained to affirm the agency where its order "is premised solely upon an erroneous conclusion of law."

2. Once it is determined that the agency did not err in its determination or interpretation of the applicable law, the reviewing court next examines the agency's factual findings to determine if they are supported by substantial evidence; i.e., by such relevant evidence as a reasonable mind might accept as adequate to support a conclusion...

3. Finally, the reviewing court must examine how the agency applied the law to the facts. This, of course, is a judgmental process involving a mixed question of law and fact, and great deference must be accorded to the agency. The test of appellate review of this function 'is whether a reasoning mind could reasonably have reached the conclusion reached by the [agency], consistent with a proper application of the [controlling legal principles]. Id.

First, the order of the County Board of Appeals of Baltimore County (hereinafter referred to as the "Board") was not premised upon an error of law, nor does the Appellant so argue.

Additionally, the conclusions of the Board were reasonably based upon the facts proven. The Board concluded that the Petitioners failed to prove the property was unique under Cromwell v. Ward, 102 Md.App. 691, 651 A.2d 424 (1995).

II. THE PETITIONERS FAILED TO SHOW THAT THEIR PROPERTY WAS UNIQUE OR TO MEET THE WRITTEN REQUIREMENTS UNDER SECTION 307, BALTIMORE COUNTY ZONING REGULATIONS.

Cromwell v. Ward first holds, at page 428, that the claimed uniqueness on a particular property must be compared to other properties within the district or the platted subdivision to see if the ordinance impacts Petitioners' property in a way different from other properties located within the platted subdivision.

In considering the uniqueness of a property the Cromwell Court opined, at page 430, that,

"The general rule is that the authority to grant a variance should be exercised sparingly and only under exceptional circumstances." Quoting with approval A. Rathkopf, 3 The Law of Zoning and Planning, Section 38 (1979).

In that same section the Cromwell Court in tracing the history of prior variance decision, at page 431, notes:

"[I]t was incumbent upon the Marinos to have shown . . . (ii) that the difficulties or hardships were peculiar to the property in question in contrast with those of other property owners in the same district, and (iii) that the hardship was not the result of the applicants' own actions." Quoting Marino v. Mayor and City Council of Baltimore, 215 Md. 206, at 218, 137 A.2d 198 (1957) (emphasis added), and Salisbury Board of Zoning Appeals v. Bounds, 240 Md. 547, 214 A.2d 810 (1965).

Further in the Cromwell v. Ward historical tracing of variance decisions, at page 433, the Court notes the sludge storage case of AD + Soil, Inc. v. County Commissioners. The Court there said, at page 433,

". . . The Court of Appeals noted that the trial court, in affirming the agency's denial of a variance, agreed that 'the only hardships facing Ad + Soil were of its own making'. 307 Md. at 317, 513 A.2d 893 (1986).

In another zoning case involving Variances from Baltimore County, Red Roof Inns, Inc. v. People's Counsel, 96 Md.App. 219, 624 A.2d 1281 (1993), notes at page 434 that,

" . . . 'Uniqueness' of a property for zoning purposes requires that the subject property have an inherent characteristic not shared by other properties in the area. . . ."

Further in Cromwell, at page 435, quoting with approval decisions in accord outside the State of Maryland, as follows:

"In Walkingstick v. Board of Adjustment, 706 P.2d 899 (Okla.1985), the zoning board, having failed to comply with notice requirements, granted a permit for an oil drilling well. Amoco had expended considerable sums before the board's omission was discovered. The relevant part of the ordinance involved was similar to the one in the instant case. After the court noted that the hardships alleged were not peculiar to the subject site, it stated the general rule that 'a hardship created by the owner . . . constitutes no valid basis for a variance . . . [D]eprivation of an advantage does not constitute an unnecessary hardship.' 706 P.2d at 904. It concluded:

The need to expose tools to the ravages of the environment may be peculiar to Amoco. But, the language of section 44-107(2) [as does the language in the Baltimore County ordinance] clearly refers to conditions peculiar to the property, *not to activities peculiar to the owner of such property.* at 904-05 (emphasis added)."

The Court of Special Appeals noted at page 436 of Cromwell that,

"Hardship is not demonstrated by economic loss alone. It must be tied to the special circumstances, none of which have been proven here. Every person requesting a variance can indicate some economic loss. To allow a variance any time any economic loss is alleged would make a mockery of the zoning program. Further the Zanthos[es] brought their losses upon themselves (emphasis added) The application affirmatively alleged . . . that no dwelling existed"

In like accord, the Cromwell court at page 437 quotes a Maine case in accord as follows:

"In Sibley v. Inhabitants of the Town of Wells, 462 A.2d 27, at 30-31 (1983), the Supreme Judicial Court of Maine upheld the denial of a variance, holding:

[T]he need of a variance [must be] due to the unique circumstances of the property and not to the general conditions in the neighborhood;

. . . [T]he hardship [must] not [be] the result of actions taken by the appellant or a prior owner.

. . . However, the mere fact that the lot is substandard is not a unique circumstance; all the undeveloped lots in that neighborhood are of substandard size . . .

. . . However, when a landowner purchases land with actual or constructive knowledge of the zoning restrictions, he may not be granted a variance on the grounds of undue hardship."

The Petitioners did not produce any evidence from which the Board could reasonably conclude that:

A. The property was unique;

B. Any practical difficulty or any unreasonable hardship was anything other than the result of their own actions.

In this Chapman case the earlier development actions of the Petitioner are the actions which caused the necessity of a request for a variance which the Cromwell court at page 439, again quoting Marino v. Mayor and City Council of Baltimore, 215 Md. 206, 137 A.2d 198, and Pollard v. Zoning Board of Appeals, 186 Conn. 32, 438 A.2d 1186 (1982), notes ". . . is never considered proper

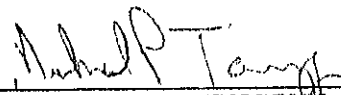
grounds for a variance."

Other authority of earlier decisions not previously cited standing for the same proposition that requested variances cannot be approved on the basis to afford a property owner a special privilege are Gleason v. Keswick Improvement Association, Inc., 197 Md. 46, 78 A.2d 164 (1951); Easter v. Mayor and City Council of Baltimore, 195 Md. 395, 73 A.2d 491 (1950); Carney v. City of Baltimore, 201 Md. 130, 93 A.2d 74 (1953); and Umerley v. People's Counsel for Baltimore County, 108 Md.App. 497, 672 A.2d 173, Cert. Denied 342 Md. 584, 678 A.2d 1049.

CONCLUSION

In conclusion, the Appellees/Protestants respectfully request that Circuit Court for Baltimore County affirm the County Board of Appeals.

Respectfully Submitted,


MICHAEL P. TANCZYN, ESQ.
606 Baltimore Avenue, Suite 106
Towson, Maryland, 21204
Telephone: (410) 296-8823
Attorney for the Appellees

I HEREBY CERTIFY that, on this 15~~th~~ day of May, 1997, a copy of the foregoing was mailed, postage prepaid, to Lenora Jackson-Chapman and Barry Chapman, Appellants, at 4114 Buckingham Road, Baltimore, Maryland, 21207; and to the County Board of Appeals for Baltimore County, Old Courthouse, Room 49, 400 Washington Avenue, Towson, Maryland, 21204.


MICHAEL P. TANCZYN, ESQ.

Law Offices
MICHAEL P. TANCZYN, P.A.

Suite 106, 606 Baltimore Avenue
Towson, Maryland 21204
(410) 296-8823 - (410) 296-8824
Fax: (410) 296-8827
Computer Fax: (410) 296-2848

May 15, 1997

Civil Clerk
Baltimore County Circuit Court
County Courts Building
401 Bosley Avenue
Towson, MD 21204

RECEIVED
COUNTY BOARD OF APPEALS
97 MAY 16 AM 11:51

Re: In Re: Lenora Jackson-Chapman and Barry Chapman
Circuit Court Case Number 03-C-96-011216

Dear Madam Clerk:

Enclosed herewith please find Appellee's Memorandum of Law which we would request you file in the above matter.

Thank you for your assistance in this regard.

Very truly yours,


Michael P. Tanczyn

MPT/ed
Enclosure

cc: Lenora Jackson-Chapman and Barry Chapman
County Board of Appeals for Baltimore County
Villa Nova Community Association, Inc.

3/31/97
In the Circuit Court for Baltimore County
Petition of

Lenora Jackson-Chapman
Barry Chapman
4114 Buckingham Road
Baltimore, Maryland 21207

For Judicial Review of
The Decision of The

County Board of Appeals of Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204
Case Number 03-c-96-011216

Memorandum of Law

To The Honorable Judge of Said Court:

Now comes Lenora Jackson-Chapman and Barry Chapman hereby filing this Memorandum of Law.

Questions Presented

- I. Whether Baltimore County violated the Petitioners Constitutional Rights; by depriving them of a variance to protect their property from damage, loss of property, loss of property value and foreseeable damage?
- II. Did the Baltimore County Board of Appeals have to have a compelling governmental interest to deny the Petitioners variance?
- III. Did the Baltimore County Board of Appeals make an illegal decision?
- IV. Did the Baltimore County Board of Appeals know that the tapes of the first hearing before Commissioner Schmidt were not audible?

RECEIVED AND FILED

97 MAR 31 PM 3:10

CLERK OF COURT
BALTIMORE COUNTY

- V. Did the Baltimore County Board of Appeals know that the property known as 4112 Buckingham Road and other properties were built with or without a permit and all county residents are not being held to the same standard of zoning regulation?
- VI. Did the Baltimore County Board of Appeals know that the Chapman's were harassed and threatened and that the County has recently pulled a permit applied for almost a year ago; after it was granted?
- I. The County did, in fact violate the Petitioner's Constitutional rights. the County is furthering its attempt to deprive them of their property interest in the said garage.

Constitutional Provisions

Statutes and Regulations

- Section I. Due process clause, Fourteenth Amendment, specifically states no state shall make or enforce any law which shall abridge the privileges or immunities of citizens or citizens of the United States, nor shall any state deprive any person of life, liberty and property, nor deny any person within its jurisdiction the equal protection of the laws. Furthermore a property owner has the absolute right to protect their property from ongoing damage and foreseeable damage loss of property. By the county prohibiting Petitioners from exercising this right, by denying the variance, they are propounding losses that will surely occur. Petitioners are entitled to quiet enjoyment of their property.

42 U.S.C. Section 1983

Every person who under color of any statute, ordinance, regulation, custom or usage, of any state or territory, that subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges or immunities secured by the constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress. Moreover the property was appraised at \$119,000 and a loss of equity in the home will be another loss and burden propounded on the Petitioners. Also the county collects taxes on the property, but it is refusing to grant a variance and propound the gradual wearing away of the land by means of water. It is not impossible to believe that the county would be responsible for the excessive flow of water, for there are no public drains directing the flow of water off the even side of the street.

- II. The Baltimore County Board of Appeals had no compelling governmental interest to deny the Petitioners variance. The Board stated that they relied on the decision made in the Cromwell V. Ward 102, Md App.691 (1995) for their decision. Our case involves a set of circumstances under law on variance in Maryland and under Baltimore County's charter and ordinance, property's peculiar characteristics or unusual circumstances relating only and uniquely to that property must in conjunction with ordinances more severe impact on specific property's uniqueness before any consideration will be given to whether requisite practical difficulty or unnecessary hardships exists. code 1957, Art. 66B 7.03 Baltimore,


Md Zoning Ordinance 307. Moreover the property known as 4114 Buckingham Road meets the requirements for a variance being granted for the following reasons:

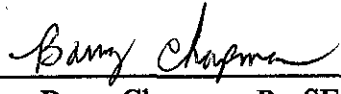
- 1.) The property sits lower than other properties and is located in the middle of the block
- 2.) Water is so excessive that you can't enter the home from the front door
- 3.) To protect from theft
- 4.) To control entrance to the pool area
- 5.) To secure a safe entrance to property
- 6.) To protect from continual deterioration from excessive water

- III. The Baltimore County Board of Appeals made an illegal decision. The circumstances surrounding the entire case was done for malicious reasons from only a couple of neighbors on the block. We had the support of the residents in the block. There was no opposition to the garage at all. Prior to the garage being built, one neighbor complained about cars being in the rear yard. The reason the Board made an illegal decision is because the reasons for the protesting were not legitimate reasons.
- IV. The tapes from the first hearing before Zoning Commissioner Lawrence Schmidt were not audible. He didn't mention numerous evidentiary material offered by testimony and exhibits. So the question that presents itself is did he rely on his memory of hearing to make his decision.
- V. The property known as 4112 and other properties in the Villa Nova Area have garages that were built with or without permits and they have not been required to adhere to the side set back requirements.
- VI. The Chapman's were harassed and threatened by members of the community, in which one community member came to the Chapman's home, and stated that he was going to personally see to it that the garage comes down. This is a direct violation of the Federal Harassment U.S.C.A 1514 (e.) and the 1964 Civil Rights Act. Furthermore the Chapman's are victims of disparate treatment by Baltimore County Zoning and Baltimore County Board of Appeals, because other members of the community with garages built are not being held to the same standard or made to adhere to the same zoning regulations.

Moreover the most recent action that Baltimore County has taken against us was pulling a permit to build a pantry and patio which is totally unrelated to the variance. The permit was applied for almost a year ago.

Wherefore we pray that the decision made by the Baltimore County Board of Appeals be reversed in order to grant the Petitioners variance and such other relief as the nature of this petition may require.


Lenora Jackson-Chapman, ProSE


Barry Chapman, ProSE

Certificate of Service

We hereby certify that copies of the Memorandum of Law was sent postage prepaid on 3-31-97 to Mr. and Mrs. Williams 4116 Buckingham Road, Baltimore, MD 21207 and to Kristine K. Howanski, Lawrence Stahl and S. Diane Levero at the Baltimore County Board of Appeals, Room 49, Old Courthouse, 400 Washington Avenue, Towson, MD 21204.

Lenora Jackson-Chapman, ProSE


Barry Chapman, ProSE

3/4/97

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY

PETITION OF LENORA JACKSON-CHAPMAN
BARRY CHAPMAN
4114 BUCKINGHAM ROAD
BALTIMORE, MARYLAND 21207

FOR JUDICIAL REVIEW OF THE DECISION OF
THE COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY
Room 49, Old Courthouse, 400 Washing-
ton Avenue, Towson, MD 21204

*
*
*
*
* CIVIL
ACTION
* No. 3-C-96-11216
*
*

IN THE CASE OF: IN THE MATTER OF THE
APPLICATION OF
LENORA JACKSON-CHAPMAN, ET AL
FOR VARIANCE ON PROPERTY LOCATED
ON THE NORTH SIDE OF BUCKINGHAM ROAD,
615' SOUTH OF CAMPFIELD ROAD
(4114 BUCKINGHAM ROAD)
3RD ELECTION DISTRICT
3RD COUNCILMANIC DISTRICT
CASE NO. 96-69-A

* * * * *

PROCEEDINGS BEFORE THE ZONING COMMISSIONER
AND THE BOARD OF APPEALS OF BALTIMORE COUNTY

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now come Kristine K. Howanski, Lawrence M. Stahl, and S. Diane Levero, constituting the County Board of Appeals of Baltimore County, and in answer to the Petition for Judicial Review directed against them in this case, herewith return the record of proceedings had in the above-entitled matter, consisting of the following certified copies or original papers on file in the Department of Permits and Development Management and the Board of Appeals of Baltimore County:

ENTRIES FROM THE DOCKET OF THE BOARD OF APPEALS AND
DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
OF BALTIMORE COUNTY

No. 96-69-A

August 25, 1995

RECEIVED AND FILED

97 MAR -4 PM 3:44

CLERK OF THE CIRCUIT COURT
BALTIMORE COUNTY

Petition for Administrative Variance filed by Lenora Jackson-Chapman and Barry Chapman, to allow a side yard setback of zero feet (for an attached garage) and a sum of side yard setbacks of 10 ft. in lieu of the minimum required 10 ft. and 25 ft. respectively.

September 15

ZAC Comments.

September 18, 1995	Request for hearing filed by the Villa Nova Community Association, Inc.
September 25	Certificate of Posting of property.
September 28	Publication in newspapers.
October 18	Hearing held on Petition by the Zoning Commissioner.
December 15	Order of the Zoning Commissioner in which Petition for Variance was DENIED; garage shall be removed within 120 days of the date of this order.
January 11, 1996	Notice of Appeal filed by Lenora Jackson Chapman and Barry Chapman.
July 24	Hearing before the Board of Appeals. Deliberation conducted by the Board at the conclusion of the hearing.
October 4	Opinion and Order of the Board in which the Petition for Variance was DENIED; Garage shall be removed within 120 days of the date of this order.
November 1	Petition for Judicial Review filed in the Circuit Court for Baltimore County by Lenora Jackson-Chapman and Barry Chapman.
November 6	Copy of Petition for Judicial Review received by the Board of Appeals from the Circuit Court for Baltimore County.
November 7	Certificate of Notice sent to interested parties.
January 2, 1997	Motion to Extend time limits for Memorandum of Law and to Transcribe the Record filed by Petitioners. Motion GRANTED to extend the limits 60 days (March 7, 1997) by Judge Cadigan.
March 4, 1997	Transcript of testimony filed.

Appellants' Exhibits No. 1-Exhibits A, B, C, D, E, F, G, I, J, K, L, M from Zoning Commissioner's hearing
2-Photo -Garage and Williams' fence
3-Photos -Driveway of Chapmans, side of Williams house
4-Photos -water running in front of garage
5-Photos -front part of house with water
6-Photos -pool in back of house


- 7-Photos -Carport before erection of garage
- 8-Photo
- 9-Photos -Cars
- 10-Photos -Garage, fence
- 11-Photos
- 12-Photos
- 13-Photos -damage to steps by rain
- 14-Photos -damage caused by rain
- 15-Photos

Protestants' Exhibits No. 1-Rule 8 documents - Villa Nova Community Association
2-Copy of Agreement between Chapman & Williams 6/24/95 (unsigned)
3-Decision of Zoning Commissioner Case No. 96-69-A
4-Photo -Garage with water
5-Photo -Front porch with water
6-Photo -Garage with rocks in front of it
7-Photos -a. Water standing in front of garage -crush & run
b. Williams' fence
c. Water being directed under Williams fence

March 4, 1997 Record of Proceedings filed in the Circuit Court for Baltimore County

Record of Proceedings pursuant to which said Order was entered and upon which said Board acted are hereby forwarded to the Court, together with exhibits entered into evidence before the Board.

Respectfully submitted,


Charlotte E. Radcliffe, Legal Secretary
County Board of Appeals of Baltimore
County, Room 49, Basement - Old Courthouse
400 Washington Avenue
Towson, MD 21204 (410) 887-3180

cc: Mrs. Lenora Jackson-Chapman
and Mr. Barry Chapman
Mr. and Mrs. Richard B. Williams
People's Counsel for Baltimore County
Virginia W. Barnhart, County Attorney

CIRCUIT COURT FOR BALTIMORE COUNTY
Suzanne Mensh
Clerk of the Circuit Court
County Courts Building
401 Bosley Avenue
P.O. Box 6754
Towson, MD 21285-6754
(410)-887-2601, TTY for Deaf: (800)-735-2258

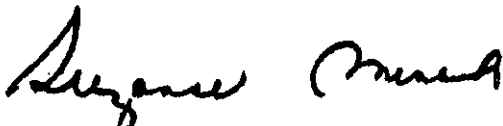
N O T I C E O F R E C O R D

Case Number: 03-C-96-011216
Old Case number:
C I V I L 96-69-A

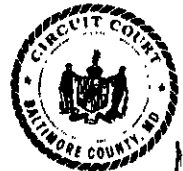
In The Matter of: Lenora Jackson Chapman , et al

Notice

Pursuant to Maryland Rule 7-206(e), you are advised that the Record of Proceedings was filed on the 4th day of March, 1997.



Suzanne Mensh
Clerk of the Circuit Court, per _____



JH

Date issued: 03/05/97

TO: BALTIMORE COUNTY BOARD OF APPEALS
Old Courthouse/Rom 49
400 Washington Avenue
Towson, MD 21204

12/27/96

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY
PETITION OF

LENORA JACKSON-CHAPMAN
BARRY CHAPMAN
4114 BUCKINGHAM ROAD
BALTIMORE, MARYLAND 21207

FOR JUDICIAL REVIEW OF THE
DECISION OF THE

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
OLD COURTHOUSE ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

CASE NO. 96-69-A

CIVIL ACTION NO. 03-C-96-011216

PETITIONER'S MOTION TO EXTEND TIME LIMITS
FOR MEMORANDUM OF LAW AND TO TRANSCRIBE
THE RECORD

Now comes Lenora Jackson-Chapman and Barry Chapman who hereby request that this honorable court grant the motion to extend the time limits for the memorandum of law and to transcribe the record for the following reasons:

- 1) The Petitioners need more time to pay the cost to transcribe the record.
- 2) Due to the technical aspects and complexities of this matter, the Petitioners need to seek counsel from an attorney
- 3) The Petitioners need time to explore from past decisions that are same or similar, what remedies were available.

Wherefore the Petitioners pray the Motion to extend the time limits for the Memorandum of Law and to Transcribe The Record be granted and that this honorable court grant such other relief as the nature of this petition may require.

FILED JAN 02 1997

Lenora Jackson Chapman

LENORA JACKSON-CHAPMAN, PRO SE

12-27-96

Barry Chapman

BARRY CHAPMAN, PRO SE

12-27-96

CERTIFICATE OF SERVICE

We hereby certify that a copy of this motion to extend the time limits for the memorandum of law and to transcribe the record was mailed postage prepaid on 12-27-96 to the County Board of Appeals, Baltimore County at the Old Courthouse Room 49 400 Washington Avenue Towson, Maryland 21204 c/o Kristine Howanski, Lawrence Stahl and S. Diane Levero.

I certify that _____ served upon the following party or parties, or counsel by (hand delivery/mailling first class mail, postage prepaid) to

_____	_____
name	address
_____	_____
name	address
_____	_____
name	address

ORDER

C-96-11216

Upon consideration of the foregoing Application to Extend Time,
IT IS THIS 27th DAY OF December, 1996 BY THE CIRCUIT COURT FOR
BALTIMORE COUNTY

ORDERED that the date by which the Clerk of the District Court for
Baltimore County shall transmit the Record to this Court be and the same is
hereby extended to 60 days.

[Signature]
Judge

Mr. Clerk:

Mail true test copies of this Order to:

FILED JAN 02 1997

cc: Villa Nova, Williams, Chapman, & Chapman

11/7/06
IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY

PETITION OF LENORA JACKSON-CHAPMAN
BARRY CHAPMAN
4114 BUCKINGHAM ROAD
BALTIMORE, MARYLAND 21207

FOR JUDICIAL REVIEW OF THE DECISION OF
THE COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY
Room 49, Old Courthouse, 400 Washing-
ton Avenue, Towson, MD 21204

CIVIL
ACTION
No. 3-C-96-11216

IN THE CASE OF: IN THE MATTER OF THE
APPLICATION OF
LENORA JACKSON-CHAPMAN, ET AL
FOR VARIANCE ON PROPERTY LOCATED
ON THE NORTH SIDE OF BUCKINGHAM ROAD,
615' SOUTH OF CAMPFIELD ROAD
(4114 BUCKINGHAM ROAD)
3RD ELECTION DISTRICT
3RD COUNCILMANIC DISTRICT
CASE NO. 96-69-A

* * * * *

CERTIFICATE OF NOTICE

Madam Clerk:

Pursuant to the provisions of Rule 7-202(e) of the Maryland Rules of Procedure, Kristine K. Howanski, Lawrence M. Stahl, and S. Diane Levero, constituting the County Board of Appeals of Baltimore County, has given notice by mail of the filing of the Petition for Judicial Review to the representative of every party to the proceeding before it; namely, Lenora Jackson-Chapman and Barry Chapman, 4114 Buckingham Road, Baltimore, Maryland 21207, Petitioners; Richard and Cynthia Williams, 4116 Buckingham Road, Baltimore, Maryland 21207; and Peter Max Zimmerman, PEOPLE'S COUNSEL FOR BALTIMORE COUNTY, 400 Washington Avenue, Room 47, Towson, Maryland 21204; a copy of which Notice is attached hereto and prayed that it may be made a part hereof.

RECEIVED AND FILED

96 NOV -7 PH 3:04

CLERK OF THE CIRCUIT COURT
BALTIMORE COUNTY

Charlotte E. Radcliffe

Charlotte E. Radcliffe, Legal Secretary
County Board of Appeals, Room 49 -Basement
Old Courthouse, 400 Washington Avenue
Towson, MD 21204 (410) 887-3180

I HEREBY CERTIFY that a copy of the foregoing Certificate of Notice has been mailed to Lenora Jackson-Chapman and Barry Chapman, 4114 Buckingham Road, Baltimore, Maryland 21207, Petitioners; Richard and Cynthia Williams, 4116 Buckingham Road, Baltimore, Maryland 21207; Peter Max Zimmerman, PEOPLE'S COUNSEL FOR BALTIMORE COUNTY, 400 Washington Avenue, Room 47, Towson, Maryland 21204, this 7th day of November, 1996.

Charlotte E. Radcliffe

Charlotte E. Radcliffe, Legal Secretary
County Board of Appeals, Room 49 -Basement
Old Courthouse, 400 Washington Avenue
Towson, MD 21204 (410) 887-3180



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

November 7, 1996

Mr. and Mrs. Richard B. Williams
4116 Buckingham Road
Baltimore, Maryland 21207

RE: Civil Action No. 3-C-96-11216
LENORA JACKSON-CHAPMAN

Dear Mr. and Mrs. Williams:

Notice is hereby given, in accordance with the Maryland Rules of Procedure, that a Petition for Judicial Review was filed on November 1, 1996, in the Circuit Court for Baltimore County from the decision of the County Board of Appeals rendered in the above matter. Any party wishing to oppose the petition must file a response within 30 days after the date of this letter, pursuant to Rule 7-202(d)(2)(B).

Please note that any documents filed in this matter, including, but not limited to, any other Petition for Judicial Review, must be filed under Civil Action No. 3-C-96-11216.

Enclosed is a copy of the Certificate of Notice, which has been filed in the Circuit Court.

Very truly yours,

Charlotte E. Radcliffe
Charlotte E. Radcliffe
Legal Secretary

Enclosure

c: Mr. and Mrs. Richard B. Williams
Mr. and Mrs. Robert F. Hyde
Mr. George W. Gebhart
Mr. and Mrs. Irving T. Basil
Mrs. Joan Alston
People's Counsel for Baltimore County
Lawrence E. Schmidt /PDM
Arnold Jablon /PDM
Virginia W. Barnhart, County Attorney



11/1/96

CIRCUIT COURT FOR BALTIMORE COUNTY
Suzanne Mensh
Clerk of the Circuit Court
County Courts Building
401 Bosley Avenue
P.O. Box 6754
Towson, MD 21285-6754
(410)-887-2601, TTY for Deaf: (800)-735-2258

Chen
for notification
Jackson
H.
11/06/96

Case Number: 03-C-96-011216

TO: BALTIMORE COUNTY BOARD OF APPEALS
Old Courthouse/Rom 49
400 Washington Avenue
Towson, MD 21204

GC:1111 9- AON 96

11/1/96

E

CLERK OF THE CIRCUIT COURT
BALTIMORE COUNTY

Now comes Lenora Jackson-Chapman and Barry Chapman hereby filing this petition for judicial review

Pursuant to Maryland Rule 7-202 the petitioners hereby request a judicial review for the following reasons:

- 1.)The order dated October 4, 1996 by the County Board of Appeals of Baltimore County is arbitrary and capricious.
- 2.)The order states that the petition for variance seeking relief from section 1Bo2, 3, C.1 of the Baltimore County Zoning Regulations to allow a side yard setbacks of 10 feet in lieu of the minimum required 10 feet and 25 feet respectively, was denied and ordered that the garage shall be removed within 120 days from the date of the order and if the order is appealed then within 120 days from when a final decision is rendered in this matter. Moreover the decision was made against public policy and certainly does not promote the general welfare of the petitioners who are taxpayers of Baltimore County.
- 3.)The Petitioners, Lenora Jackson-Chapman and Barry Chapman were present at the agency hearing.
- 4.)The Petitioners have standing, because they are the owners and/or occupants for the said property which is under the jurisdiction of the County Board of Appeals, of Baltimore County.
- 5.)The Petitioners hereby request that the clerk of the Court direct the Administrative Agency to the County Board of Appeals of Baltimore County to transcribe the record pursuant to Maryland Rule 7-206.
- 6.)The Petitioners hereby request a hearing on the merits, pursuant to Maryland Rule 7-208.

RECEIVED AND FILED

96 NOV -1 PM 3: 31

CLERK OF THE DISTRICT COURT
BALTIMORE COUNTY

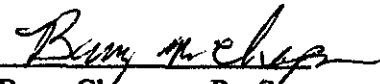
7.)The Petitioners hereby assert that the County of Appeals Board of Baltimore Government had no compelling interest to deny warranty.

8.)The Petitioners hereby request a stay on the order dated October 4, 1996 from the County Board for Appeals, Baltimore County.

9.)The Petitioners hereby request that Memorandum of Law deadline be extended 60 days after the filing of this petition for judicial review. Moreover the Memorandum of Law shall be forthcoming.

10.)The Petitioners' Constitutional Rights and/or Civil Rights were violated which are enumerated in the 14th amendment, Civil Rights Act of 1964, Civil Rights act of 1995. Wherefore the Petitioners request a jury trial pursuant to Maryland Rule 2-325. Wherefore we pray that the decision by the county Board of Appeals be reversed.


Lenora Jackson-Chapman, ProSe


Barry Chapman, ProSe

Certificate of Service

We hereby certify that a copy of this Petition for Judicial Review was sent postage prepaid to Cynthia and Richard Williams, 4112 Buckingham Road, Baltimore, MD 21207, and to County Board of Appeals, Baltimore County c/o Kristine Howanski, Lawrence Stahl and S. Diane Levero.



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

October 4, 1996

Mr. and Mrs. Barry Chapman
4114 Buckingham Road
Baltimore, MD 21207

RE: Case No. 96-69-A
Lenora Jackson-Chapman

Dear Mr. & Mrs. Chapman:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules and Procedure. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Charlotte E. Radcliffe for
Kathleen C. Bianco
Legal Administrator

Enclosure

cc: Mr. and Mrs. Richard B. Williams
Mr. and Mrs. Robert F. Hyde
Mr. George W. Gebhart
Mr. and Mrs. Irving T. Basil
Mrs. Joan Alston
People's Counsel for Baltimore County
Lawrence E. Schmidt /
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

MICROFILMED



1IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
 NS Buckingham Road, 615 ft. S
 of Campfield Road * ZONING COMMISSIONER
 4114 Buckingham Road
 3rd Election District * OF BALTIMORE COUNTY
 3rd Councilmanic District
 Lenora Jackson Chapman, et al * Case No. 96-69-A
 Petitioners
 * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for the property located at 4114 Buckingham Road in the Villa Nova residential subdivision of Baltimore County. The Petition is filed by Barry Chapman and Lenora Jackson Chapman, property owners. Variance relief is requested from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (BCZR) to allow a side yard setback of 0 ft., for an attached garage, and a sum of the side yard setbacks of 10 ft. in lieu of the minimum required 10 ft. and 25 ft., respectively. The subject property is depicted on numerous photographs which were submitted at the hearing and on the site plan which was submitted at the time the Petition was filed. This site plan was marked and received into evidence as Petitioners' Exhibit No. 1.

This matter was originally filed as an administrative variance pursuant to Section 26-127 of the Baltimore County Code. That section permits the Zoning Commissioner to grant variance relief from the strict application of the provisions of the Baltimore County Zoning Regulations without a public hearing for certain owner occupied residential lots. The subject property is residentially zoned (D.R.3.5) and is improved with an occupied single family dwelling. Thus, application was made by the property owners for residential variance relief. Following this application, the property was posted as required. Within the posting period, a request for public

ORDER RECEIVED FOR FILING

Date

By

12/15/95
 J. H. [Signature]

MICROFILMED

hearing was received from several individuals who reside within 1,000 ft. of the subject property. Thus, pursuant to the provisions of Section 26-127 of the Code., a public hearing was convened to consider this matter.

Appearing at the requisite public hearing held for this case were the Petitioners/property owners. Appearing in opposition to the request were Robert F. and Betty L. Hyde, George W. Gebhardt, Irving T. and Jane S. Basil, Joan Alston and Richard B. and Cynthia A. Williams. Mr. and Mrs. Williams reside immediately next door at 4116 Buckingham Road and are the most affected property owners.

Testimony offered on behalf of the Petition was that Mr. and Mrs. Chapman acquired the property in July of 1986. At that time, they described the site as improved with the subject single family dwelling. However, the dwelling was in somewhat dilapidated condition and the property unkept. Mr. and Mrs. Chapman testified that they have made significant efforts and spent significant sums to upgrade the property. Photographs of the site show that same is now well maintained. In addition to the dwelling, the rear of the lot contains a shed. Examination of the site plan shows the property to be approximately 62.5 ft. wide and 240 ft. deep.

Originally, the property contained an attached carport. This carport was attached to the side of the dwelling which faces the Williams property at 4116 Buckingham Road. Mr. Chapman indicated that there has been an increase in crime in the area. He produced written documentation showing that he has been a victim of crime and that there have been instances of burglary and vandalism. Moreover, Mr. Chapman indicated that a portion of his lot adjacent to the dwelling frequently floods. He indicated that rain flows down the paved driveway and settles in his side yard.

ORDER RECEIVED FOR FILING

Date

By

In order to address these concerns, Mr. Chapman constructed an attached single car garage to the dwelling. This garage is shown in a series of photographs which were submitted and is on the side of the property facing the Williams' house. The garage is approximately 47 ft. deep, 10 ft. wide and 15 ft. high. The garage replaced the open carport which existed at this location previously. Due to the garage's location and size, the requested side yard and sum of side yard setback variances were filed. It is of note that the garage was constructed by Mr. Chapman and a friend. A permit was not initially obtained when construction began, however, application for same was ultimately made.

Mr. and Mrs. Williams testified in opposition to the request. Their opposition was joined by other neighbors of the area. They indicate that the garage is located immediately abutting the property line and towers over their side yard. They produced a property line survey (Protestants' Exhibit No. 1) which shows that their house is but 8 ft. from the property line. They observed that this minimal distance is insufficient and that the garage blocks their air, view and light. It was also claimed that the construction of the garage has diverted water runoff into the Williams' yard.

I am appreciative of the Chapmans' concerns regarding crime and their claim to need garage space. Moreover, it appears that their property is generally well kept and that they have improved the site since their acquisition of same. Nonetheless, I am troubled over the fact that the garage was built without a permit. Moreover, the site plan submitted by the Petitioners when the case was filed indicates that the distance from the property line to the Williams' house is 46 ft. The photographs and property line survey submitted by Mr. and Mrs. Williams show that the Chapmans' house is only 8 ft. from the property line, significantly less than the 46

ORDER RECEIVED FOR FILING

Date

By

ft. shown. The impact of the garage on the Williams' dwelling located less than 10 ft. away is significantly different than if the house were located, as claimed by the Chapmans, more than 5 times farther away.

Zoning variances must be considered in accordance with the standards set forth in Section 307 of the BCZR. The Petitioner must demonstrate that a practical difficulty would result if strict adherence to the regulations were required. Moreover, in the recent Court of Special Appeals case of Cromwell v. Ward, 102 Md. App 691 (1995), the Court opined that the property owner must demonstrate that the site is unique and different from other properties. As importantly, variance relief can be granted only if same will not be detrimental to surrounding properties.

In this instance, I am not persuaded that the Chapmans have satisfied their burden at law. I particularly find that the garage, as and where constructed, detrimentally affects the adjacent property. This finding, in and of itself, is sufficient to deny the variance. Moreover, the testimony was not persuasive that strict adherence to the regulations would result in a practical difficulty or that the property in and of itself was unique when compared with other parcels. For these reasons, the Petitioner for Variance should be denied and I will so order.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 15th day of December, 1995 that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (BCZR) to allow a side yard setback of 0 ft., for an attached garage, and a sum of the side yard setbacks of 10 ft. in lieu of the minimum required 10 ft. and 25 ft., respectively, be and is hereby DENIED.

ORDER RECEIVED FOR FILING

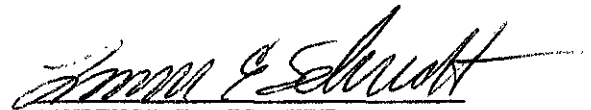
Date

By

MICROFILMED

The garage shall be removed within 120 days from the date of this Order or, if this Order is appealed, then within 120 days from when a final decision is rendered in this matter.

LES/mmn



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING

Date

By

MICROFILMED

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

December 12, 1995

Mr. and Mrs. Barry Chapman
4114 Buckingham Road
Baltimore, Maryland 21207

RE: Case No. 96-69-A
Petition for Zoning Variance
Property: 4114 Buckingham Road

Dear Mr. and Mrs. Chapman:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been denied.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt".

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
att.

cc: Mr. and Mrs. Richard B. Williams
Mr. and Mrs. Robert F. Hyde
Mr. George W. Gebhardt
Mr. and Mrs. Irving T. Basil
Mrs. Joan Alston

MICROFILMED

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 4114 Buckingham Road
address
Lenora Jackson-Chapman
Barry Chapman
Baltimore, County, Maryland 21207
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty) We the applicants are faced with an undue hardship, which was not the result of our actions. Also we need to make reasonable use of our property for off street parking and the difficulties or hardship is peculiar to the subject property in contrast to other properties in the zoning district. There are numerous garages within the block, surrounding blocks and throughout the zoning district. The applicants need to secure the property from theft of property, to also prohibit access to swimming pool area, thereby preventing potential harm to others. Furthermore the garage will be utilized to shield the property from continuous water damage to the property because of lack of drainage on this side of the road.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Lenora Jackson-Chapman
(signature)
Lenora Jackson-Chapman
(type or print name)



Barry Chapman
(signature)
Barry Chapman
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 21st day of August, 19 95, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Lenora Jackson-Chapman and Barry Chapman

the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

8-21-95
date

LEON C. PURNELL
NOTARY PUBLIC STATE OF MARYLAND
NOTARY PUBLIC My Commission Expires March 4, 1996
My Commission Expires
Leon C. Purnell



MICROFILMED



Petition for Administrative Variance

96-69-A

to the Zoning Commissioner of Baltimore County

for the property located at 4114 Buckingham Road Baltimore County, Md. 21207
which is presently zoned _____

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1802.3.C.1

To allow a side yard setback of zero feet (for an attached garage) and a sum of side yard setbacks of 10 ft. in lieu of the minimum required 10 ft. and 25 ft. respectively.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship & practical difficulty) 1) Prior to 1948 there were no set back requirements and this is when the house was built. 2) With the current set backs, reasonable use of the property can not be utilized for a permitted purpose. 3) Current zoning won't allow us to protect our property from theft, provide off street parking, secure pool area and prevent continuous water damage, because of lack of drainage. This would be an undue hardship.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

(We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition)

Legal Owner(s):

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

Lenora Jackson-Chapman
(Type or Print Name)

Signature

Barry Chapman
(Type or Print Name)

Signature

4114 Buckingham Road 410-653-7255
Address Phone No.

Baltimore County, Maryland 21207
City State Zipcode
Name, Address and phone number of representative to be contacted

Lenora Jackson-Chapman

Barry Chapman
Name

4114 Buckingham Road Balto. Co., Md. 21207
Address Phone No.

410-653-7255

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted.

Zoning Commissioner of Baltimore County

REVIEWED BY: [Signature]

DATE: 8-25-95

ESTIMATED POSTING DATE: 9/3



Printed with Soybean Ink
on Recycled Paper

ITEM #: 91

PROPERTY DESCRIPTION

96-69-A

al

BEGINNING FOR THE SAME ON THE NORTHERN MOST SIDE OF BUCKINGHAM ROAD AND AT THE DISTANCE OF 615 FEET SOUTH 54 DEGREES 30 MINUTES WEST FROM THE INTERSECTION OF THE NORTHERN MOST SIDE OF BUCKINGHAM ROAD WITH THE WESTERN MOST SIDE OF CAMPFIELD ROAD SAID PLACE OF BEGINNING BEING AT THE CENTER LINE BETWEEN LOTS 20 AND 21, SECTION D, AS LAID OUT ON THE PLAT OF VILLA NOVA SAID PLAT BEING RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY IN PLAT BOOK 3, FOLIO 101 AND RUNNING THENCE BOUNDING ON THE NORTHERN MOST SIDE OF BUCKINGHAM ROAD SOUTH 54 DEGREES 30 MINUTES WEST 62.5 FEET THENCE RUNNING FOR A LINE OF DIVISION NOW MADE NORTH 36 DEGREES 4 MINUTES WEST 240.48 FEET THENCE NORTH 62 DEGREES 6 MINUTES EAST 63 FEET AND THENCE BOUNDING ON THE AFORESAID DIVISION LINE BETWEEN LOTS 20 AND 21 AFORESAID SOUTH 36 DEGREES 4 MINUTES EAST 232 FEET TO THE PLACE OF BEGINNING. THE IMPROVEMENTS THEREON BEING KNOWN AS NO. 4114 BUCKINGHAM ROAD.

MICROFILMED

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Townson, Maryland

96-69-A

District 3rd

Date of Posting 9/2/95

Posted for: Variance

Petitioner: Lorena & Barry Chapman

Location of property: 1114 Buckingham Rd, N/S

Location of Signs: Facing roadway, on property being zoned

Remarks: _____

Posted by M. Healy Date of return: 9/8/95
Signature

Number of Signs: 1

MICROFILMED



CERTIFICATE OF PUBLICATION

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204, on the following date and time:

Washington Avenue, Towson, Maryland 21204
 Case: 88-07A (Item #1)
 4114 Buckingham Road
 N/S Buckingham Road,
 615' S of Campfield Road
 3rd Election District
 3rd Councilmanic
 Legal Owner(s):
 Lenora Jackson-Chapman
 and Barry Chapman
 Hearing: Wednesday,
 October 18, 1995 at 9:00
 a.m. in Rm. 106, County
 Office Building.

Variance: to allow a side yard setback of zero feet (for an attached garage) and a sum of side yard setbacks of 10 feet in lieu of the minimum required 10 feet and 25 feet, respectively.

LAWRENCE E. SCHMIDT
 Zoning Commissioner for
 Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Call 887-3353.
 (2) For information concerning the File and/or Hearing, Please Call 887-3391.
 9/22/95 Sept. 28.

TOWSON, MD.,

9/29, 1995

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 9/28, 1995.

THE JEFFERSONIAN,

A. Henickson
 LEGAL AD. - TOWSON

MICROFILMED

REQUEST FOR HEARING

TO THE ZONING COMMISSIONER FOR BALTIMORE COUNTY:

Re: Case Number: 96-69-A
Petitioner(s): Chapman
Location: 4114 Buckingham Rd, 21207

VILLA NOVA COMMUNITY ASSOC. INC
I/WE, ROSALIE M. POOLE
Name(s) (TYPE OR PRINT)

() Legal Owners (☒) Residents, of

4110 VILLA NOVA RD
Address

BALTIMORE, MD 21207
City/State/Zip Code Phone

which is located approximately less than 1000 feet from the
property which is the subject of the above petition, do hereby formally
request that a public hearing be set in this matter.

Rosalie M Poole 9-18-95
Signature Date

Signature Date

UNRECORDED
rec'd 9-18-95
JCM

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

Item No. 1

887-4386

06-780

DATE 8-25-95 ACCOUNT R-001-6150

96-69-A AMOUNT \$ 85.00

RECEIVED FROM: Lenora + Emily Chapman

FOR: Residential Variance + sign
010 — Res. Variance (admin) filing fee — \$30.00
080 — Sign + 12/25/95 \$85.00 — 35.00
Total \$85.00

MICROFILMED

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

NL 015658

DATE 1/18/96 ACCOUNT R001-7120

AMOUNT \$ 210.00

RECEIVED FROM: Emily A. + Lenora Chapman (Chapman)

FOR: 1/18/96 Residential Variance

for 4114 backing 03A91#0232MICHRC \$210.00
for 4114 backing 03A91#0232MICHRC \$210.00
96-69-A

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

96 FEB -1 10:57

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY

96-69-A

Towson, Maryland

District.....

Date of Posting 1/29/96

Posted for: Appeal

Petitioner:

Location of property: 1114 Buckingham Rd.

Location of Signs: Facing road way on property being appealed

Remarks:

Posted by [Signature]
Signature

Date of return: 2/1/96

Number of Signs: 1



MICROFILMED

PETITION OF: Lenora Jackson-Chapman and
Barry Chapman

CIVIL ACTION # 3-C-96-11216

IN THE MATTER OF Lenora Jackson-Chapman et al

RECEIVED FROM THE COUNTY BOARD OF
APPEALS EXHIBITS, BOARD'S RECORD
EXTRACT & TRANSCRIPT FILED IN THE
ABOVE-ENTITLED CASE, AND ZONING
COMMISSIONER'S FILE AND EXHIBITS

Debra M. Gilmole

Clerk's Office

Date: 4-4-97



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

August 31, 1995

NOTICE OF CASE NUMBER ASSIGNMENT

Re: CASE NUMBER: 96-69-A (Item 91)
4114 Buckingham Road
N/S Buckingham Road, 615' S of Campfield Road
3rd Election District - 3rd Councilmanic

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

- 1) Your property will be posted on or before September 3, 1995. The closing date (September 18, 1995) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.
- 2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reposting and newspaper advertising are payable by the petitioner(s).
- 3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$60.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: Lenora and Barry Chapman

MICROFILMED





County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

May 23, 1996

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), BOARD'S RULES OF PRACTICE & PROCEDURE, APPENDIX C, BALTIMORE COUNTY CODE.

CASE NO. 96-69-A

LENORA JACKSON-CHAPMAN, ET AL -Petitioners
N/s Buckingham Road, 615' S of Campfield Road
(4114 Buckingham Road)
3rd Election District
3rd Councilmanic District

VAR -To allow side yard setback of 0' for attached garage; and sum of side yard setbacks of 10' in lieu of minimum required 10' and 25' respectively.

12/15/95 -Z.C.'s Order in which Petition for
Variance is DENIED.

ASSIGNED FOR: WEDNESDAY, JULY 24, 1996 at 10:00 a.m.

cc: Mr. and Mrs. Barry Chapman Appellants /Petitioners

Mr. and Mrs. Richard B. Williams Protestants

Mr. and Mrs. Robert F. Hyde
Mr. George W. Gebhart
Mr. and Mrs. Irving T. Basil
Mrs. Joan Alston - ZONING Chairman

People's Counsel for Baltimore County
Lawrence E. Schmidt /
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

MICROFILMED Kathleen C. Bianco
Administrative Assistant



5/16/96 -Notice of Assignment for hearing scheduled for Wednesday,
July 24, 1996 at 10:00 a.m. sent to following:

Mr. and Mrs. Barry Chapman
Mr. and Mrs. Richard B. Williams
Mr. and Mrs. Robert F. Hyde
Mr. George W. Gebhart
Mr. and Mrs. Irving T. Basil
Mrs. Joan Alston
People's Counsel for Baltimore County
Lawrence E. Schmidt /
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

Deliberated 7/24/96 - D-Var. K.L.M.

RECORDED

TO: PUTUXENT PUBLISHING COMPANY
September 28, 1995 Issue - Jeffersonian

Please forward billing to:

Barry and Lenora Chapman
4114 Buckingham Road
Baltimore, MD 21207
653-7255

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-69-A (Item 91)
4114 Buckingham Road
N/S Buckingham Road, 615' S of Campfield Road
3rd Election District - 3rd Councilmanic
Legal Owner: Lenora Jackson-Chapman and Barry Chapman
HEARING: WEDNESDAY, OCTOBER 18, 1995 at 9:00 a.m. in Room 106, County Office Building.

Variance to allow a side yard setback of zero feet (for an attached garage) and a sum of side yard setbacks of 10 feet in lieu of the minimum required 10 feet and 25 feet, respectively.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

MICROFILMED



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

September 20, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-69-A (Item 91)
4114 Buckingham Road
N/S Buckingham Road, 615' S of Campfield Road
3rd Election District - 3rd Councilmanic
Legal Owner: Lenora Jackson-Chapman and Barry Chapman
HEARING: WEDNESDAY, OCTOBER 18, 1995 at 9:00 a.m. in Room 106, County Office Building.

Variance to allow a side yard setback of zero feet (for an attached garage) and a sum of side yard setbacks of 10 feet in lieu of the minimum required 10 feet and 25 feet, respectively.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon
Director

cc: Barry and Lenora Chapman/4114 Buckingham Rd/21207
Villa Nova Community Association, Inc./Joan Alston/7205 Prince George Rd/21207
Rosalie Poole/4110 Villa Nova Road/21207
Paul and Pam Bowman/4118 Buckingham Rd/21207
Richard and Cynthia Williams/4116 Buckingham Road/21207
Irving and Jane Basil/4014 Raleigh Road/21208

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

MICROFILMED

Case No. 96-69-A

LENORA JACKSON CHAPMAN, ET AL - Petitioners

NS Buckingham Road, 615 S of Campfield Road
(4114 Buckingham Road)

3rd Election District

Appealed: 1/11/96



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

September 15, 1995

Ms. Lenora Jackson-Chapman
Mr. Barry Chapman
4114 Buckingham Road
Baltimore, Maryland 21207

RE: Item No.: 91
Case No.: 96-69-A
Petitioner: L. J. Chapman, et al

Dear Ms. Jackson-Chapman:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on August 25, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

A handwritten signature in dark ink, appearing to read "W. Carl Richards, Jr.", is written over a faint, circular official stamp.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

RECEIVED



BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: ZADM *Joyce Watson*
FROM: DEPRM
Development Coordination
SUBJECT: Zoning Advisory Committee
Agenda: 9-5-95

DATE: Sept. 14

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: 81
83
87
89
91
92

LS:sp

LETTY2/DEPRM/TXTSBP



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

9-12-95

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 091 (JJS)


Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for 
Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

MICROFILMED

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: September 1, 1995

FROM: Pat Keller, Director
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 65, 66, 67, 68, 70, 75, 76, 79, 82, 85, 86, 88, 90, and 91¹⁸

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by:

Jeffrey W. Long

Division Chief:

Carol Kerns

PK/JL

MICROFILMED

BALTIMORE COUNTY, MARYLAND
Inter-Office Memorandum

DATE: August 25, 1995

TO: Hearing Officer

FROM: John J. Sullivan, Jr.
Planner II, PDM

SUBJECT: Item #91
4114 Buckingham Road

Mr. Chapman did not have photos today as they "did not turn out". He wished to proceed with the variance and would "submit photos as soon as possible".

JJS:scj

MICROFILMED



Baltimore County
Department of Permits and
Development Management

Permits and Licenses
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3900
Fax: (410) 887-2824

January 18, 1996

Mr. and Mrs. Richard B. Williams
4116 Buckingham Road
Baltimore, MD 21207

Mr. and Mrs. Robert F. Hyde
4017 Villa Nova Road
Baltimore, MD 21207

Mr. George W. Gebhart
3629 Sussex Road
Baltimore, MD 21207

Mr. and Mrs. Irving T. Basil
4014 Raleigh Road
Baltimore, MD 21208

Mrs. Joan Alston
7205 Prince George Road
Baltimore, MD 21207

Re: Petition for Zoning Variance
NS Buckingham Road, 615 Ft. S of Campfield Road
4114 Buckingham Road
3rd Election District - 3rd Councilmanic District
Lenora Jackson Chapman, et al - Petitioners
Case No. 96-69-A

Dear Ladies and Gentlemen:

Please be advised that an appeal of the above-referenced case was filed in this office on January 11, 1996 by Lenora Jackson Chapman and Barry Chapman. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals, "Board".

If you have any questions concerning this matter, please do not hesitate to contact the Board at 887-3180.

Sincerely,

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

ARNOLD JABLON
Director
Department of Permits and
Development Management

AJ:nmn

c: People's Counsel

MICROFILMED





Baltimore County
Department of Permits and
Development Management

Permits and Licenses
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3900
Fax: (410) 887-2824

January 18, 1996

Mr. and Mrs. Richard B. Williams
4116 Buckingham Road
Baltimore, MD 21207

Mr. and Mrs. Robert F. Hyde
4017 Villa Nova Road
Baltimore, MD 21207

Mr. George W. Gebhardt
3629 Sussex Road
Baltimore, MD 21207

Mr. and Mrs. Irving T. Basil
4014 Raleigh Road
Baltimore, MD 21208

Mrs. Joan Alston
7205 Prince George Road
Baltimore, MD 21207

Re: Petition for Zoning Variance
NS Buckingham Road, 615 Ft. S of Campfield Road
4114 Buckingham Road
3rd Election District - 3rd Councilmanic District
Lenora Jackson Chapman, et al - Petitioners
Case No. 96-69-A

Dear Ladies and Gentlemen:

Please be advised that an appeal of the above-referenced case was filed in this office on January 11, 1996 by Lenora Jackson Chapman and Barry Chapman. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals, "Board".

If you have any questions concerning this matter, please do not hesitate to contact the Board at 887-3180.

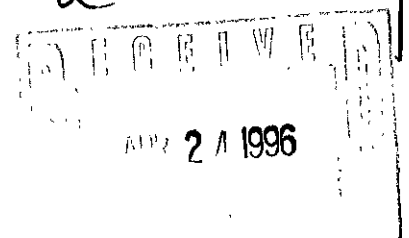
Sincerely,

ARNOLD JABLON
Director
Department of Permits and
Development Management

AJ:nnn

c: People's Counsel

*Please set this show-moving
case in for a hearing*



August 25, 1995	Petition for Administrative Variance filed by Lenora Jackson-Chapman and Barry Chapman, to allow a side yard setback of zero feet (for an attached garage) and a sum of side yard setbacks of 10 ft. in lieu of the minimum required 10 ft. and 25 ft. respectively.
September 18, 1995	Request for hearing filed by the Villa Nova Community Association, Inc.
October 18	Hearing held on Petition by the Z.C.
December 15	Order of the Zoning Commissioner in which Petition for Variance was DENIED; garage shall be removed within 120 days of the date of this order.
January 11, 1996	Notice of Appeal filed by Lenora Jackson Chapman and Barry Chapman.
July 24	Hearing before the Board of Appeals. Deliberation conducted by the Board at the conclusion of the hearing.
October 4	Opinion and Order of the Board in which the Petition for Variance was DENIED; Garage shall be removed within 120 days of the date of this order.
November 1	Petition for Judicial Review filed in the Circuit Court for Baltimore County by Lenora Jackson-Chapman and Barry Chapman. (copy rec'd by CBA 11/6/96)
November 7	Certificate of Notice sent to interested parties.
January 2, 1997	Motion to Extend time limits for Memorandum of Law and to Transcribe the Record filed by Petitioners. Motion GRANTED to extend the limits 60 days (March 7, 1997) by Judge Cadigan.
March 4, 1997	Transcript of testimony filed; Record of Proceedings filed in the Circuit Court.
September 12 ✓ E	Opinion issued by the Circuit Court for Baltoz Co.; decision of the CBA is AFFIRMED (Dana M. Levitz, J)

NOTICE OF CIVIL TRACK ASSIGNMENT AND SCHEDULING ORDER

CIRCUIT COURT FOR BALTIMORE COUNTY
CIVIL ASSIGNMENT OFFICE
COUNTY COURTS BUILDING
401 BOSLEY AVENUE
P.O. BOX 6754
TOWSON, MD 21285-6754

Baltimore County Board Of Appeals
Old Courthouse/Rom 49
400 Washington Avenue
Towson MD 21204

Assignment Date: 04/07/97

Case Title: In The Matter of: Lenora Jackson Chapman , et al
Case No: 03-C-96-011216 AE

The above case has been assigned to the EXPEDITED APPEAL TRACK. Should you have any questions concerning your track assignment, please contact: Richard P. Abbott at (410) 887-3233.

You must notify this Coordinator within 15 days of the receipt of this Order as to any conflicts with the following dates:

SCHEDULING ORDER

1. Motions to Dismiss under MD. Rule 2-322(b) are due by..... 04/22/97
 2. All Motions (excluding Motions in Limine) are due by..... 06/11/97
 3. TRIAL DATE is..... 07/21/97
- Civil Non-Jury Trial; Start Time: 09:30AM; To Be Assigned; appeal: 1/2 hour

Honorable John Grason Turnbull II
County Administrative Judge

Postponement Policy: No postponements of dates under this order will be approved except for undue hardship or emergency situations. All requests for postponements must be submitted in writing with a copy to all counsel/parties involved. All requests for postponements of cases filed after October 1, 1994 must be approved by the Administrative Judge.

Settlement Conference (Room 507): All counsel and their clients MUST attend the settlement conference in person. All insurance representatives MUST attend this conference in person as well. Failure to attend may result in sanctions by the Court. Settlement hearing dates may be continued by Settlement Judges as long as trial dates are not affected. (Call [410] 887-2920 for more

Special Assistance Needs: If you, a party represented by you, or a witness to be called on behalf of that party need an accommodation under the Americans with Disabilities Act, please contact the Court Administrator's Office at (410) 887-2687 or use the Court's TDD line, (410) 887-3018, or the Voice/TDD M.D. Relay Service, (800) 735-2258.

Court Costs: All court costs MUST be paid on the date of the settlement conference or trial.

cc: Richard B Williams
cc: Richard B Williams Mrs
cc: Villa Nova Community Association Inc
cc: Lenora Jackson Chapman
cc: Barry Chapman
Issue Date 04/07/97

97 APR -8 PM 3:40
RECEIVED
COUNTY BOARD OF APPEALS

APPEAL

Petition for Zoning Variance
NS Buckingham Road, 615 Ft. S
of Campfield Road
4114 Buckingham Road
3rd Election District - 3rd Councilmanic District
Lenora Jackson Chapman, et al - Petitioners
Case No. 96-69-A

Petition for Zoning Variance

Description of Property

Certificate of Posting

Certificate of Publication

Request for Hearing dated September 18, 1995

Zoning Plans Advisory Committee Comments

Protestant(s) Sign-In Sheet

Petitioner's Exhibits: 1 - Site Plan to accompany Petition for Zoning Variance
A - Zoning Violation Inspection Record
B - Memo from Lenora Jackson to Jim Thompson dated August 29, 1995
C - Baltimore County Police Department Crime Report dated August 31, 1994
D - Note of Police Report on File dated August of 1994
D - Note from Lenora Jackson-Chapman stating she is also a member of the citizen patrol
E - Correction Notice dated July 11, 1995
F - Copy of Building Permit No. B241192 dated July 12, 1995
G - Request for Assistance dated July 12, 1995
H - Letter to Mr. and Mrs. Chapman from Augustus Harris dated July 12, 1995
I - Correction Notice dated July 25, 1995
J - Request for Assistance dated July 26, 1995
K - Affidavit in support of Administrative Variance dated August 21, 1995
L - Letter to Lewis Mayer from Barry and Lenora Jackson-Chapman dated August 7, 1995
M - Request for Variance from Barry and Lenora Jackson-Chapman dated August 28, 1995
including neighbor signatures
N - Letter from the President of the Villa Nova Community Association regarding "Best Decorated Home" Holiday Contest

13 laminate pages (including a total of 31) photographs not marked as exhibits from the Petitioner

Protestant's Exhibits: 1 - Property Line Survey Drawing dated May 10, 1995

Zoning Commissioner's Order dated December 15, 1995 (DENIED)

Notice of Appeal received on January 11, 1996 from Barry and Lenora Jackson-Chapman

c: Mr. and Mrs. Richard B. Williams, 4116 Buckingham Road, Baltimore, MD 21207
Mr. and Mrs. Robert F. Hyde, 4017 Villa Nova Road, Baltimore, MD 21207
Mr. George W. Gebhart, 3629 Sussex Road, Baltimore, MD 21207
Mr. and Mrs. Irving T. Basil, 4014 Raleigh Road, Baltimore, MD 21208
Mrs. Joan Alston, 7205 Prince George Road, Baltimore, MD 21207
Mr. and Mrs. Barry Chapman, 4114 Buckingham Road, Baltimore, MD 21207
People's Counsel of Baltimore County, M.S. 2010

Request Notification: Lawrence E. Schmidt, Zoning Commissioner
Arnold Jablon, Director of PDM

Mr. Barry N. Chapman
Mrs. Lenora Jackson Chapman
4114 Buckingham Road
Baltimore, Maryland 21207

RE:Appeal For Denial of a Zoning Variance
For 4114 Buckingham Road Baltimore County,
Maryland 21207. Case No. 96-69-A

Date Jan 10 1996

To:Baltimore County Board of Zoning Appeals
Mr. Arnold Jablon, Director
Dept. of Permits and Development Management
111 W. Chesapeake Ave. Room 111
Towson, Maryland 21204
410-887-3353

Dear, Mr. Jablon

Inasmuch as we do not agree with the decision made by the Zoning Commissioner of Baltimore County, we hereby respectfully request that a hearing be set forth in this matter for an appeal of the denial of a zoning variance for the above mentioned property. Thank you very much for your time and consideration in this matter.

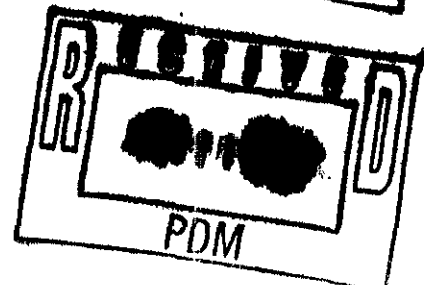
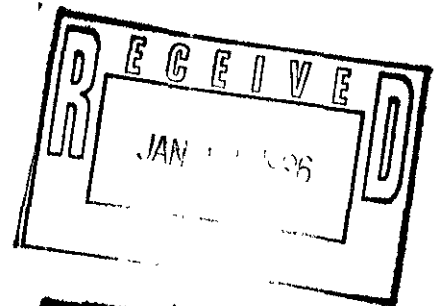
Sincerely,

Barry N. Chapman

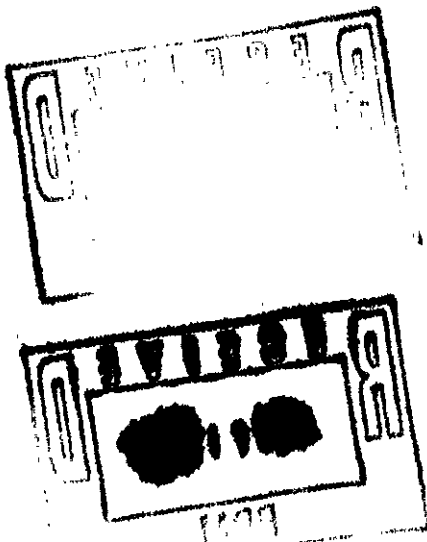
Barry N. Chapman

Lenora Jackson-Chapman

Lenora Jackson Chapman



MICROFILMED





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

September 19, 1995

Barry and Lenora Chapman
4114 Buckingham Road
Baltimore, Maryland 21207

Re: Case Number: 96-69-A

Dear Petitioners:

A formal REQUEST FOR PUBLIC HEARING has been filed in your case. Formal notification of the hearing date will be forwarded to you shortly.

As you recall, it now becomes necessary to repost the property and run notice of the hearing in a newspaper of general circulation. This office will ensure that the legal requirements for posting and advertising are satisfied.

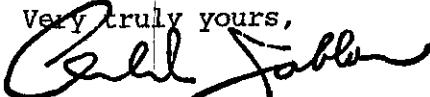
Posting charges in the amount of \$35.00 are now due. Your check in this amount should be made payable to "Baltimore County, Maryland" and immediately mailed to this office.

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

Please be further advised that non-payment of fees will stay the issuance of the Zoning Commissioner's Order.

If you have any questions concerning this letter, you may contact Gwen Stephens at 887-3391.

Very truly yours,


ARNOLD JABLON, DIRECTOR

RECEIVED



COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

MINUTES OF DELIBERATION

IN THE MATTER OF: Lenora Jackson-Chapman, et al -Petitioners
Case No. 96-69-A

DATE : July 24, 1996 /at conclusion of hearing

BOARD /PANEL : Kristine K. Howanski (KKH)
Lawrence M. Stahl (LMS)
S. Diane Levero (SDL)

SECRETARY : Kathleen C. Bianco
Legal Administrator

Those present at this deliberation included Appellants /Petitioners and Protestants to this matter. People's Counsel did not participate in these proceedings.

KKH: We are here now in the deliberation phase of Case No. 96-69-A, Lenora Jackson-Chapman, et al; zoning commissioner's denial of a Petition for Variance to allow 0' setback for attached garage and the sum of 10' in lieu of 10' and 25' respectively. By Order dated September 15, 1995. A lengthy amount of testimony I must say for the amount of facts in dispute before us today. And as I already indicated on the record, I am not a fan of public deliberation because other deliberative bodies do not have to go through what we go through doing it in front of everybody. So I will continue with my judicial notice of Larry's Stahl's "why I hate public deliberation" speech that he has given in other cases, but in this instance, I may welcome the opportunity to air things not necessary to the law but how to behave as neighbors and deal with problems.

When I chair, I typically defer to my colleagues and will do so today.

LMS: Thank you. Briefly, for the record, and so that I maintain my consistency, I also believe that the public deliberation required under judicial determination of Baltimore County's open meetings laws are not helpful generally in a variance case; and in zoning in general.

Recent case which has started to erode that principle; that our brothers and sisters in the Circuit Court would not make rule for themselves that they are imposing upon us. Having said that, the law is the law is the law, and I will proceed.

Heard a lot of relevant issues between neighbors; disputes relative to water, runoff disputes, a number of issues; fortunately or unfortunately, the zoning laws are not at issue here. Zoning rules are what they are. We are not empowered nor do we sit as a body that can either decide to apply or

MICROFILMED

ignore the laws. They are what they area. They require setbacks. Zoning law allows for exceptions because every rule is proven by exception. Variance process -- leading case on variances is Cromwell v. Ward which is mentioned, and we have had several people testifying relative to findings of fact and conclusions below, and Zoning Commissioner did direct him to Cromwell v. Ward. Stands for proposition that zoning is a good thing and done for good and sufficient reasons, and every four years zoning maps and requirements are changed by County Council as needed. Between those changes or requests, there should only be alterations and exceptions for the most pressing of reasons; can only be based on uniqueness; two step process; first step being that property for which variance is requested needs to be unique in sense it is so different from other properties in the area that request for variance addressed problem raised by that uniqueness; and that if that first step is reached, then the additional requirements, which the Zoning Commissioner mentions, about whether or not it is detrimental to the area, whether or not there will be detriment to the particular property; strict adherence; only after overcoming first.

Unfortunately for the Appellants, they have been very forthright, very direct, very honest. I will say that to both sides. But it's clear to me that the reasons for the request for this particular variance are the reasons set forth by Mr. Chapman and Mrs. Chapman -- the reasons of securing property; of a very real and important and appropriate concern of children in neighborhood, pool, etc. And that should be concerns of property owner. But to enclose and thereby violate zoning regulations and thereby need variance to enclose that garage for those reasons is not a request that is based on a unique situation of the Chapman's particular piece of property for which the only solution is to do something that requires a variance. The cars, the pool are all things which have been done by owners; had they not had pool, not had cars, not had that necessity of securing property, then they would not have enclosed and quite honestly -- would not have needed the variance.

I specifically asked initially some questions as to layout of particular lot as opposed to other lots in area and on the street. And again, everyone was quite forthright that there really were no tremendous differences; such striking uniqueness to property that would require action because of property's uniqueness that would...I have no doubt that these concerns must be addressed but Cromwell is very clear that no variance can be granted for any reasons which are related to that which the property owner has done as opposed to conditions forced upon them by uniqueness of their own piece

of property.

And since that is the case, the first is not reached. And if the first is not reached, then none of the other considerations relative to good, bad, detrimental, comes into play. And unfortunately, as lay people --- you would still have to address questions to both prongs --but you have not met test of first prong. All information needs to be presented. I simply believe there is in short no uniqueness to the Chapman property sufficient by its very nature to require because of that uniqueness the construction of the enclosure which would therefore necessitate the granting of a variance under Cromwell. Because Cromwell gives us no leeway and has been affirmed by the appellate courts in Maryland, I have no choice other than to affirm the Zoning Commissioner and to deny the variance.

SDL: I will be very brief. Mr. Stahl has pretty well stated the case. The law on variances is very strict. Can be granted under 307.1 and, as Larry said, it's a two-prong test -- uniqueness of property; different in some way from the other properties in area that it be impact on requested variances.

The second prong is practical difficulty or unreasonable hardship. 307.1 is strict enough in itself, and Cromwell v. Ward tightens it up so that we have very little leeway to grant variances. No evidence presented to satisfy the first prong which must be satisfied that property is unique or different in some way from others in neighborhood to allow granting. So I would also deny variances.

KKH: I will agree as well. But I will go a little further because of lay people involved. I would say what I would do if we went on to additional prongs. I agree with my colleagues that we are bound by Cromwell v. Ward to consider first if property is unique. Am satisfied there has been no demonstration today that the property is unique within the contemplation of Cromwell v. Ward. When you build, you set up lots; basically the same. I am as well persuaded that I do not get beyond the first prong and show that the property is somehow unique. Were we to go on, however, I think I would still deny the request. If for some reason we were satisfied that it was unique, next prong would be practical difficulty.

If you collect cars beyond the amount that might normally sit on your lot, that is a hardship created by the parties; similarly, to put a pool in the back -- you don't put up the pool and then ask for a variance. If there are more cars than appropriate, I do not find that the second prong has been satisfied.

Stepping into the third area, next part is it detrimental to surrounding properties. And what we are dealing with is an older neighborhood. The properties are built to be a certain way; whether or not you like it, not designed for additions. Neighbors recognize inherent limitations in their own property; if you need something bigger, must move to another neighborhood or buy bigger house.


I find no bad intent on either side; see no one trying to do this out of spite, etc. I do not want to be interpreted as deciding against the Chapmans; this is one of those situations where you cannot do those kinds of things; need bigger lot. I would concur with my colleagues. If I were required to go further, I would deny the variance at each step along the line.

We are in concurrence. We will prepare a written Opinion and Order. There is no appeal from our discussion today; we will prepare written Order, and anyone feeling aggrieved will have 30 days from the date of that written Order to file an appeal.

This brings this particular hearing to a close.

* * * * *

Respectfully submitted,


Kathleen C. Bianco
Legal Administrator



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

November 29, 1996

Ms. Jane S. Basil
4014 Raleigh Road
Baltimore, MD 21208

RE: Civil Action No. 3-C-96-11216
LENORA JACKSON-CHAPMAN

Dear Ms. Basil:

Pursuant to our telephone conversation this afternoon, enclosed is your original letter, which we received this date, in opposition to the subject Petition for Judicial Review. Also enclosed is a copy of the Maryland Rules which pertain to appeals taken to the Circuit Court from decisions of this Board (i.e., Petition for Judicial Review).

When you prepare your opposition to the subject Petition for Judicial Review, which will be filed with the Circuit Court, please be sure to include the Civil Action Number as assigned by the Court (Civil Action No. 3-C-96-11216), just as you did in the letter written to this office.

Should you have any questions relative to the enclosed rules, the Circuit Court can provide the appropriate answers. However, if you have any further questions regarding the Board or its procedures, please call me at 887-3180.

Very truly yours,

A handwritten signature in cursive script, reading "Kathleen C. Bianco".

Kathleen C. Bianco
Legal Administrator

Enclosures



24 Nov 1996

Dear Mr. Badcliffe,

Thank you for notifying
us of the Petition for
Judicial Review filed by
LENORA JACKSON-CHAPMAN,
Civil Action No. 3-C-96-11216.

Because Mrs. Jackson-
Chapman is clearly in
flagrant violation of
zoning requirements, and
because two previous
petitions have been
denied by the County
Board of Appeals,
we hereby register
our opposition to this
petition, Civil Action
No. 3-C-96-11216.

Respectfully,
James T. Baile
James S. Baile

4014 Raleigh Rd.
Baltimore, MD
21208-5717

Law Offices
MICHAEL P. TANCZYN, P.A.

Suite 106, 606 Baltimore Avenue
Towson, Maryland 21204
(410) 296-8823 - (410) 296-8824
Fax: (410) 296-8827
Computer Fax: (410) 296-2848

June 6, 1997

Civil Clerk
Baltimore County Circuit Court
County Courts Building
401 Bosley Avenue
Towson, MD 21204

RECEIVED
COUNTY BOARD OF APPEALS
97 JUN -9 PM 1:51

Re: In Re: Lenora Jackson-Chapman and Barry Chapman
Circuit Court Case Number 03-C-96-011216

Dear Madam Clerk:

Our appearance was entered with the filing of the Memorandum of Law in this case.
Could you kindly send us a copy of the Scheduling Order showing the hearing date and time at
your earliest opportunity?

Thank you for your assistance in this regard.

Very truly yours,

Michael P. Tanczyn

Michael P. Tanczyn

MPT/ed

cc: Lenora Jackson-Chapman and Barry Chapman
County Board of Appeals for Baltimore County
Villa Nova Community Association, Inc.

Dictated but not read.

12/5/96

To the Board of Appeals

As the Zoning Chairman of the
Villa Nova Community Assn. Inc, I,
Joan U. Alston, hereby verify that
I received ^{the originals} ~~copies~~ of the attached
copies.

Joan U. Alston

- ① 11-15-96 LTR. FROM VILLA NOVA C.A.
- ② 11-20-96 LTR. FROM MR/MS. R. WILLIAMS
- ③ 11-18-96 LTR. FROM GEO. GEPHARDT

VILLA NOVA COMMUNITY ASSOCIATION, INC.
Villa Nova, MD 21207
(410)484-4958

November 15, 1996

Ms. Charlotte E. Radcliffe
County Board of Appeals of Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland, 21204

Re: Civil Action No. 3-C-96-11216

Dear Ms. Radcliffe:

Thank you for the copy of your letter of November 7, 1996,
addressed to Mr. and Mrs. Williams.

As the representative of the Villa Nova Community Association, Inc.,
I oppose the petition for Judicial Review of the decision made by the
County Board of Appeals in this case.

As stated by the County Board, the property at 4114 Buckingham Road
does not show any unique features which may require specific action
to make an exception in regard to existing zoning laws. However, the
garage at 4114 Buckingham Road causes harm to the adjoining property
of 4116 Buckingham Road (soil erosion from rain water), and it
presents a fire hazard by only allowing 8 feet of distance between
the garage and the adjoining house. In addition, the structure of the
garage changes the general characteristics of this scenic neighborhood,
thereby causing loss of property values in the area.

Very truly yours,

Joan Alston

Joan Alston, Zoning Chairman, 7205 Prince George Road, Villa Nova, MD 21207, (410)484-4958

Mr. & Mrs. Richard B. Williams
4116 Buckingham Road
Baltimore, MD 21207

Re: Civil Action No. 3-C-96-11216
Lenora Jackson-Chapman

November 20, 1996

Sir:

This letter is being written to protest the possible overruling of the two lower courts decision regarding the application for a variance located at 4114 Buckingham Rd. Our reasons are as follows:

1. The Chapman's home does not meet the minimal requirements for being a unique property for a variance.
2. The structure is built on 2 Ft. over the property line.
3. The structure was built without obtaining the proper permits in a timely manner before starting construction.
4. The enormous water damage and soil erosion already done to our property.

We would hope that once the evidence and facts are reviewed, that your conclusion would be to uphold the two lower courts decision and deny the petition for a variance.

Thank You,

Mr + Mrs Richard B. Williams

GEORGE W. GEBHARDT

3629 Sussex Road Baltimore, MD 21207-3818 410-484-2584

e-mail: gebhardt@vndesign.com

November 18, 1996

Ms. Charlotte E. Radcliffe for
Ms. Kathleen C. Bianco
Legal Administrator
COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
Old Courthouse, Room 49
400 Washington Avenue
Towson, MD 21204
887-3180

re: Case Number 96-69-A
 Lenora Jackson-Chapman
 4114 Buckingham Road, 21207

Dear Ms. Radcliffe and/or Ms. Bianco:

I have a copy of the final Opinion and Order issued October 4 by the County Board of Appeals of Baltimore County in the above captioned matter.

I understand the Chapmans are appealing this case to the Circuit Court for Baltimore County. I continue to oppose the Chapman's zoning violations. Please advise me of any court dates.

A voluminous pile of exhibits exist in this case. At one point, those exhibits were in the custody of the original zoning hearing officer. I want those exhibits and findings to carry forward to the Circuit Court case.

Ms. Joan Alston continues as the official representative of the VILLA NOVA COMMUNITY ASSOCIATION. Ms. Denise Cutair is our new president. Please ask the Circuit Court to contact them and all other complainants and witnesses in this case.

Very truly yours,

George W Gebhardt

GEORGE W. GEBHARDT
Complainant

NOV 21 1996

Case Number 96-69-A
Lenora Jackson-Chapman
4114 Buckingham Road, 21207
Page 2 of 2

cc: Ms. Joan Alston
Zoning Officer
VILLA NOVA COMMUNITY ASSOCIATION, INC.
7205 Prince George Road
Baltimore, MD 21207
484-4958

Ms. Denise Cutair
President
VILLA NOVA COMMUNITY ASSOCIATION, INC.
4008 Buckingham Road
Baltimore, MD 21207
486-5394

zone1118.doc 11/18/96

Kurt S Hammond
4101 Buckingham Rd
Baltimore, MD 21207
(410)653-9847

July 17, 1996

Board of Appeals
400 Washington Ave - Rm 49
Towson, MD 21204

Re: 96-69-A

Dear Board of Appeals:

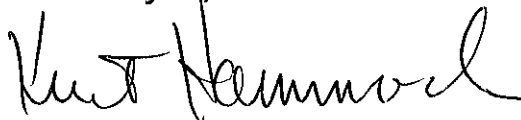
I am writing today in case I am unable to appear at the hearing in person. I live several houses down the street from 4114 Buckingham Rd and am in complete agreement with the neighbors of that property.

The garage in question could not possibly have been built with a county permit, it looks like a shanty that could fall down at any moment. Furthermore, I understand that it was built in violation of zoning requirements that stipulate a minimum distance between dwellings.

I would urge the Board not to grant a zoning waiver. It would be most unfair to the next-door neighbors, and in my opinion would diminish the integrity of the whole neighborhood.

I would normally never dream of interfering with a neighbor's handling of his or her own property, but in this case I feel compelled to speak out.

Thank you,



Kurt Hammond

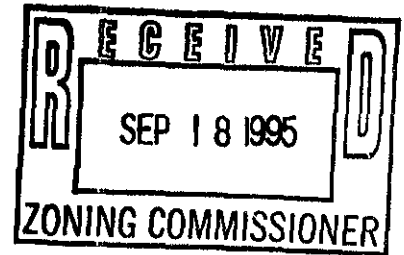
96 JUL 19 01:13:01

MICROFILMED

RE: Case No: 96-69-A

September 16, 1995

Richard B. & Cynthia A. Williams
4116 Buckingham Road
Baltimore, MD 21207



Dear Mr. Commissioner:

We are writing to let you know of our opposition to the building of the garage at 4114 Buckingham road own by Lenora and Barry Chapman. We opposed the garage because of the following:

1. The distance between the two houses is 16 ft. which the garage is built directly on the property line which is against zoning laws.
2. because the structure is too close to our property, it drives down the value of our property.
3. If the systems allows one family to break the law, anyone who wants to break the zoning laws can do so without facing any consequences.

I would hope that the systems that put the zoning laws on the books to preserve our communities would also enforce the laws to protect our communities.

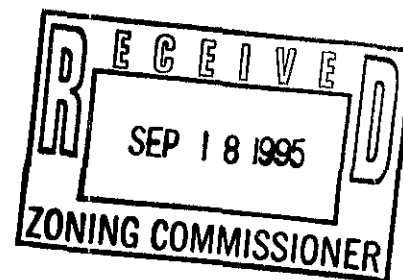
Sincerely:

Richard B. Williams

Richard B. Williams

Cynthia A. Williams

Cynthia Alexander-Williams



Paul and Pam Bowman
4118 Buckingham Road
Baltimore, MD 21207

RE: Case No: 96-69-A

September 15, 1995

To Whom It May Concern,

We are writing this letter in protest against the garage that is being built onto the home at 4118 Buckingham Road, Baltimore, MD 21207. This structure is clearly in violation of the zoning laws of Baltimore County. It is our understanding that the zoning laws were put in place to protect the rights of the community.

We have lived in our home at 4118 Buckingham Road for five years and strongly feel that this structure will cause a decrease in our property value. We have always taken great pride in keeping our home and neighborhood in a condition that is both attractive and safe to raise our family in. The appearance of our neighborhood and the strong community and family atmosphere was what first drew us to Baltimore County in the first place.

We hope that you will consider our feelings when making your decision on this matter. Thank you for your time.

Sincerely,

A handwritten signature in cursive script, appearing to read "Paul M. Bowman".

Paul M. Bowman

A handwritten signature in cursive script, appearing to read "Pam W. Bowman".

Pam W. Bowman

MICROFILMED

VILLA NOVA COMMUNITY ASSOCIATION, INC.

Villa Nova, MD 21207

(410)484-4958

Mr. Larry Schmidt
Zoning Commissioner
Baltimore County



September 16, 1995

Joan Alston
7205 Prince George Road
Baltimore, MD 21207
(410)484-4958

Re: Case No 96-69 A, 4114 Buckingham Road, 21207 - Variance

Dear Mr. Larry Schmidt:

Confirming Mrs. Rosey Poole's letter I also would like to express my strong objections to the construction of a garage at 4114 Buckingham Road. I have lived in Villa Nova since 1966. I have a house at 7219 Prince George Road due to flood damage (hurricane Agnes in 1972) and am willing to do all in my power to help the observance of the law and maintain the beauty of this residential area. I know I am also speaking for most of my neighbors and all members of the Board of the Villa Nova Community Association, Inc.

Sincerely,

Joan Alston

Joan Alston
Vice President & Zoning Chairman
Villa Nova Community Association, Inc. (VNCA)

cc: Rosalie M. Poole President - VNCA

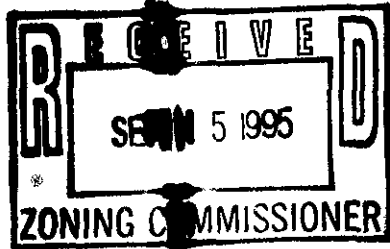
Joan Alston, Zoning Chairman, VNCA

7205 Prince George Road, Villa Nova, MD 21207, (410)484-4958

MICROFILMED

Villa Nova Community Association, Inc.

Mr. Larry Belmont
Zoning Commissioner
Baltimore County



September 14, 1995

Rosalie M. Poole
4110 Villa Nova Road
Baltimore, MD 21207
(410)653-8610

Re: 4110 Villa Nova Road, 411 Buckingham Road, 21207

Dear Mr. Belmont:

The Villa Nova Community Association, Inc. strongly objects to the construction of the garage for 4110 Villa Nova Road. The reasons are two-fold:

First, the property owner admitted to the use of the garage for storage of vehicles and vehicles which have previously been parked in the back yard of their property.

Second, the property owner is circumventing the law by having stated the construction below when in fact the application stated that the garage would be a distance of 15 feet from the property line. The distance between their house (residence) and the property line was only 10 feet. The garage is now attached to the house and extends up to the property line, thus a violation of their neighbors rights.

The property owner is circumventing the law for the maintenance of property and to maintain the integrity of the community. No precedent of circumventing the law should be set. If we allow this, we would have to do it for everybody. The property owner is circumventing the law and the residents of this address have misinterpreted the law. The property owner is circumventing the law and to their neighbors in an attempt to avoid the law. This has caused much disruption and ill will among the residents.

Rosalie M. Poole

Rosalie M. Poole, President
Villa Nova Community Association, Inc. (VNCVA)
4110 Villa Nova Road, Baltimore, MD 21207

cc: Zoning Commission (VNCVA)

cc: Mr. Belmont
cc: Mr. Poole

(410)653-8610
cc: Mr. Poole

ENCLOSURE

GEORGE W. GEBHARDT**3629 Sussex Road □ Baltimore, MD 21207-3818 □ 410-484-2583**

September 17, 1995

Mr. Larry Schmidt
Zoning Commissioner
Baltimore County, Maryland 21204
FAX number 887-3468



re: Case Number 96-69-A
4114 Buckingham Road
Villa Nova neighborhood 21207
(Lenora P. Jackson-Chapman and or Barry Chapman)

Mr. Schmidt:

As a homeowner in Villa Nova, I am always concerned about changes to structures that may negatively impact on the property value of my property and my neighbors' property.

I have done some research on the garage attached to the right side of 4114 Buckingham Road, Villa Nova, Baltimore County 21207. On September 17-18, I:

- visited Jackson/Chapman briefly. I asked Ms. Jackson about the building permit and electrical permit for the 4114 garage, and about the litigation I had heard that Jackson/Chapman instituted against the previous owners of 4116 Buckingham Road, Rick and Pamela Klinehamer. In less than 30 seconds, Ms. Jackson insisted I leave.
- met for over one hour with the neighbors at 4116 Buckingham, Mrs. Cynthia Alexander-Williams and Mr. Richard Williams.

Here are some findings.

1. **The 4114 garage & the property line**

- 1. The Williams showed me a survey done circa May 1995 for their property at 4116. The 4116 lot is 25 foot frontage and the 4116 house is about 8 feet from the 4114-4116 property line.

About 16 feet (8 feet on each side) to the property line, separate the houses at 4114 and 4116. That suggests that the 4114 garage, which may be wider than 8 feet, cannot be built and still be completely on the 4114 homeowner's property.

1711

Mr. Larry Schmidt
Zoning Commissioner
Case 96-69-A - 4114 Buckingham Road 21207
Page 2

3. There is no doubt that attached to the side of the 4114 house (the side facing 4116) is a garage.
4. I could not measure the width of the garage because Ms. Jackson insisted I leave.

Low-level litigation

1. Despite the previous owner of 4116, Rick and Pamela Klinehamer, having a valid permit for a fence *on the 4116 property*, Jackson/Chapman instituted a pro se legal action against The Klinehamers, because of the 4116 fence.
2. It appears the Jackson/Chapman litigation was retaliation for The Klinehamers protesting the Jackson/Chapman garage. The papers were drafted by Jackson/Chapman without an attorney. About the time of the closing of the sale of 4116 from The Klinehamers to The Williams, Jackson/Chapman withdrew the suit. It is questionable whether the suit was ever actually filed in the Circuit Court for Baltimore County.
3. The suit, with a maximum face value of \$3,000, appears to be drafted merely to hold up the 4116 settlement. The Klinehamers' attorney told The Williams that the suit would never see a courtroom unless Jackson/Chapman had a survey done for 4114.
4. Later, after 4116 was sold to the Williams, Jackson/Chapman asked the Williams to give Jackson/Chapman an easement (I assume for that part of the Jackson/Chapman garage that may well be *on the Williams' property*). The Williams have the hand done, error-riddled paper that Jackson/Chapman drafted seeking the easement. Jackson/Chapman want the paper back.
5. Mr. Williams stated he put up basically the same fence that Rick Klinehamer had built. During construction, Ms. Jackson became so upset that one Baltimore County police officer told a second officer to "lock her up."
6. When Mr. Williams showed the police his May 1995 survey for 4116, the police informed Ms. Jackson that Mr. Williams was within his rights to build the fence and that Ms. Jackson should stay off Mr. Williams' property or she'd be guilty of criminal trespass.

Mr. Larry Schmidt
Zoning Commissioner
Case 96-69-A - 4114 Buckingham Road 21207
Page 3

2 Building & electrical permits?

- 1 The Williams stated that when Jackson/Chapman secured a building permit from Baltimore County for the garage, Jackson/Chapman told the County that even after the garage was up that there would still be a 15' setback between the outside of the new garage and the 4114 property line. That could not be true since there is only about 15' from the side of the 4114 house to the 4114 property line (and of course, now that the garage is up, Jackson/Chapman is seeking a zero foot setback variance).
- 2 Sometime during this period, Jackson/Chapman stated to the Williams that they, Jackson/Chapman, were merely informing the Williams that the Jackson/Chapman garage was going up.
- 3 I asked Mr. Chapman if Jackson/Chapman had called for and gotten a rough-in building inspection. He acted as if he did not know what was a rough-in inspection.
- 4 I asked Mrs. Jackson if Jackson/Chapman had a building permit for the garage. She declined to answer. At that moment Mrs. Jackson insisted I leave her front porch.
- 5 Mrs. Williams told me she never saw a building permit posted for the garage.
- 6 Mrs. Williams told she saw a red sticker on the front of the garage indicating that the Jackson/Chapman garage had failed a building inspection.
- 7 Because most garages have lighting, I wonder whether Jackson/Chapman secured an electrical permit for electrical work done in the garage. There is at least one light in the garage.

3 Other considerations

- 1 The little I saw of the workmanship of the garage suggests the quality of the construction may not be the highest.
- 2 Mrs. Williams told me while the workmen were working on the Jackson/Chapman garage, the workmen were definitely on The Williams' property. This area exists and is far less than 8 feet from the 4116 side of the Jackson/Chapman garage to the 4114 property line.
- 3 Mrs. Williams stated that Mr. Chapman walked to the back yard separating the 4114 and 4116 properties and, on the 4116 side of the existing stockade fence, erected a second flimsy "property line barrier." This barrier may or may not be on the 4114 property line. Mr. Williams believes this barrier is on The Williams' property and, because of Jackson/Chapman's possible behavior, has not removed the barrier. He has taken photos.

Mr. Larry Schmidt
Zoning Commissioner
Case 96-69-A - 4114 Buckingham Road 21207
Page 4

4. Additional zoning violation?

On the other side of the 4114 house is an permanent attachment that appears to close to the property line at 4112 Buckingham Road. I would be interested to learn:

1. if a building permit was ever issued for that attachment, and if that is not a separate zoning violation (too close to the 4112-4114 property line)
2. if there is any fighting in that addition, whether Jackson-Chapman obtained an electrical permit

5. Do you advise zoning variance?

It may be that Jackson-Chapman are in violation of both zoning law and building law. It may be that Jackson-Chapman believe now that they are getting resistance that they will ask for both zoning and building OKs, and can parlay that into a retroactive building OK.

I want to be advised of and will attend any hearing that involves the 4114 Buckingham Road property. Because of Mrs. Jackson's behavior, I really do not want Jackson-Chapman to know where I live.

Very truly yours,

GEORGE W. GEBHARDT
10200 Old Orchard Street, #106

cc: Robert W. Williams and Mrs. Cynthia Alexander Williams
10200 Old Orchard Street
Baltimore, MD 21207
9/18/95

TO MR LARRY SCHMIDT
BALTIMORE COUNTY ZONING BOARD
111 W CHESAPEAKE AVE
TOWSON, MD 21204



RE CASE NO 96-69-A

DEAR SIR,

AS RESIDENTS OF THE VILLA NOVA
COMMUNITY FOR OVER FORTY YEARS, WE HAVE A
STRONG INTEREST IN PRESERVING ITS UNIQUENESS.

ALTHOUGH ONLY LITTLE ENCRAGEMENT ON
THE ZONING REGULATIONS MAY IN ITSELF SEEM
INNOCUOUS, THE CUMULATIVE EFFECT OVER A
PERIOD OF TIME OF MANY SUCH VIOLATIONS
WILL NEGATIVELY IMPACT THE COMMUNITY IN
THE DETRIMENT OF ALL HOMEOWNERS.

FOR THIS REASON, WE URGE THAT
VARIANCE BE DENIED AT 7114 BUCKINGHAM
RD AND THAT THE EXISTING ZONING
REGULATIONS BE ENFORCED.

SINCERELY

IRVING AND JANE GASH

4014 RACINE PT

BALTIMORE, MD 21208

MICROFILMED

PLEASE IF YOU COULD FAX THIS TO THE
BOARD BUT PLEASE TO THE BOARD OF
THE TOWN OF JOAN ASSET

Request for Variance

August 28, 1995

Hi,

My name is Lenora Chapman and I live at 4114 Buckingham Road. My husband, Barry and I applied to zoning to request a variance. A zoning variance can be requested each time a plan is created or a zoning ordinance enacted. Example, is when a owner wants to change the uses of their property. In our case we would like to change our carport into a garage. A variance can allow you to uses of property that donot meet zoning requirements, Even when the change is on your own land. If you have no legitimate reason why we should not continue uses of our garage, please sign below.

Thank-You

1. Jerry F. Craig 4113 Buckingham Rd. Baltimore MD. 21207
2. Valerie Turner 4113 Buckingham Rd
3. Doretha Thompson
4. Loren A. Mark 4113 Buckingham Rd Baltimore 21207
- 5.
6. Stanley Ferguson 4120 Buckingham Rd 21207
7. Osborne D. McCarter 4128 Buckingham Rd. Balto. 21207
8. Elnor McCarty 4128 Buckingham Rd. 21207
9. Elmer D. O'Scfe 4117 Buckingham Rd Balto 21207
10. Cecile D. O'ne 4117 Buckingham Rd Balt. Md 21207.
- 11.
- 12.
13. Willie Hilton 4115 Buckingham Rd 21207
- 14.
15. Augustus D. Harris I 4112 Buckingham Rd. 21207
16. Augustus D. Harris 4112 Buckingham Rd 21207
17. Blanche M. Lewis 4110 Buckingham Rd. 21207
18. Joy Williams 4111 Buckingham Rd 21207
19. H. Hoffman 4104 Buckingham Rd 21207
- 20.
- 21.
- 22.
- 23.
- 24.
- 25.
- 26.
- 27.
- 28.
- 29.
- 30.

Additional Signatures Will Follow

NOT FILMED

Mr. Fred Cooper

887-3335

Zoning

887-3391

MARYLAND DEPARTMENT OF ASSESSMENTS AND TAXATION
REAL PROPERTY SYSTEM
BALTIMORE COUNTY

06/19/95

PRIMARY SCREEN

DISTRICT: 03 ACCT NO: 0310047070

SUBDIST:

OWNER NAME / MAILING ADDRESS

JACKSON LENDRA P
4114 BUCKINGHAM RD
BALTIMORE

MD 21207-1615

DEED REF 1 - 03/57/776

PLAT REF 1 - 3/101

EXEMPT STATUS/CLASS

0 000

PRINCIPAL

RESIDENCE

YES

PREMISE ADDRESS

4114 BUCKINGHAM RD

TOWN SEC ADVAL TAX LAND COUNTY

000 000 000 000 000 04

LEGAL DESCRIPTION

PT LT 20

615 S CAMPBELL RD
VILLA NOVA

TRANSFERRED FROM: MILLER IVON F

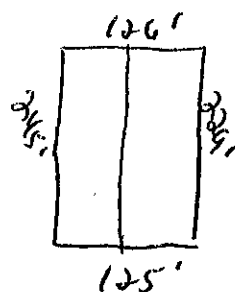
IND 000 0000L SURV DIV PLAT SECT BLOCK LOT
70 20 400 0 0

12/04/77

460,000

PRESS: <F1> VALUES SCREEN

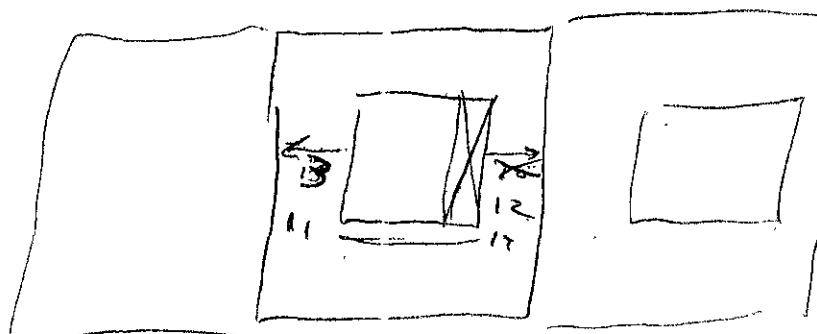
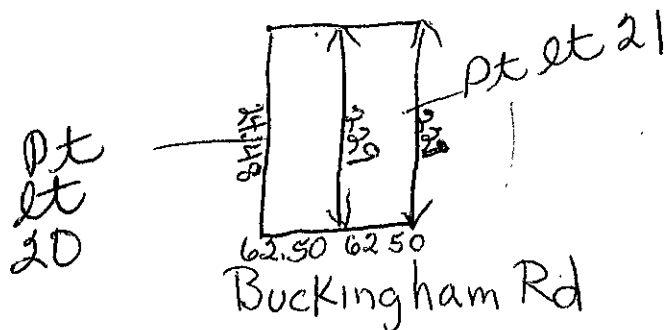
<F3> SELECT NEXT PROPERTY



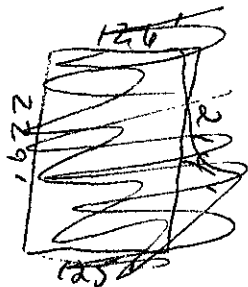
62.50

D.R. 3.5

Side must total 25'-1
minimal of 10'



MICROFILMED



Varian

MARYLAND DEPARTMENT OF ASSESSMENTS AND TAXATION
REAL PROPERTY SYSTEM
BALTIMORE COUNTY

06/17/95

PRIMARY SCREEN

DISTRICT: 03 ACCT NO: 0326020490

OWNER NAME / MAILING ADDRESS
WILLIAMS RICHARD PERLIN
ALEXANDER WILLIAMS CYNTHIA
4116 ROCKINGHAM RD
BALTIMORE MD 21207

SUBJECT:

DEED REF ID: 7330567 US

PLAT REF ID: 57 101

EXEMPT STATUS/CLASS

0 000

PRINCIPAL
RESIDENCE

YES

PREMISE ADDRESS
4116 ROCKINGHAM RD

TOWN CODE	SEC CODE	ADVAL CODE	TAX CLASS	LAND USE	COUNTY USE
000	01	000		R	04

LEGAL DESCRIPTION

LOT 11

MAP GRID	PORCE	SUB-DIV	PLAT	SEC	BLOCK	LOT
70	20	465		0		

VILLA NOVA

TRANSFERRED FROM: KLINEHAMER RICHARD F

06/01/95

1112.000

PRESS: <F1> VALUES SCREEN <F2> RETURN TO LIST SCREEN <F3> SELECT NEXT PROPERTY

MARYLAND DEPARTMENT OF ASSESSMENTS AND TAXATION
REAL PROPERTY SYSTEM
BALTIMORE COUNTY

06/17/95

VALUES SCREEN

DISTRICT: 03 ACCT NO: 0326020490

SUBJECT:

OWNER NAME: WILLIAMS RICHARD PERLIN

TOWN CODE: 000

BASE VALUE	CURRENT VALUE	PRE-81 VALUE	PHASE-IN VALUE	PHASE-IN ASSESSMENTS
AS OF	AS OF	AS OF	AS OF	AS OF
01/01/95	07/01/95	07/01/94	07/01/95	07/01/95

LAND	20,890	27,400		
IMPT	55,820	57,100		
TOTAL	74,470	86,500	86,500	84,650

FREE LAND: 0 0 0 0 0

PRIMARY STRUCTURE DATA
YEAR BUILT: 1954
ENCLOSED AREA: 1,056 SF

PARTIAL EXEMPT ASSESSMENTS
CODE: 07,01/94 07/01/95
COUNTY: 000 0 0
STATE: 000 0 0
MUNICIPAL: 000 0 0

LAND AREA: 13,250.00 SF

PRESS: <F1> PRIMARY SCREEN <F2> RETURN TO LIST SCREEN <F3> SELECT NEXT PROPERTY

62.50 ft front

MICROFILMED

MARYLAND DEPARTMENT OF ASSESSMENTS AND TAXATION
REAL PROPERTY SYSTEM
BALTIMORE COUNTY

06/17/95

VALUES SCREEN

DISTRICT: 00 ACCT NO: 0000047090

SUBJECT:

OWNER NAME: JACKSON LEBORA F

TOWN CODE: 000

	BASE VALUE	CURRENT VALUE AS OF 01/01/93	FRASER-LIN VALUE AS OF 01/01/94	FRASER-LIN ASSESSMENTS AS OF 01/01/94	FRASER-LIN ASSESSMENTS AS OF 01/01/95
LAND	20,660	27,650			
IMPT	58,110	33,860			
TOTAL	78,770	61,510	61,510	33,570	34,610

FREE LAND: 0 0 0 0 0

PRIORITY STRUCTURE DATA
YEAR BUILT ENCLOSED AREA
1940 1,356 SF

CAPITAL EXEMPT ASSESSMENTS
CODE 01/01/94 01/01/95
COUNTY 000 0 0
STATE 000 0 0
MUNICIPAL 000 0 0

LAND AREA: 14,632.00 SF

PROCESS: <F1> PRIMARY CURN

<F3> SELECT NEXT PROPERTY

10/10/95

Circuit Court

8-4"x4"x8'

AN AGREEMENT BETWEEN
RE: BARRY CHAPMAN AND LENORA JACKSON-CHAPMAN
AND
RICHARD WILLIAMS AND CYNTHIA ALEXANDER-WILLIAMS

JUNE 24, 1995.

We, the above mentioned parties, do hereby make this agreement and acknowledgement to be our collective act. We agree that the Chapman's will utilize $1\frac{1}{2}$ feet of space on the side of the two homes between their respective properties. The Chapman's property known as 4114 Buckingham Road and the Williams property known as 4116 Buckingham Road. Furthermore, pluses and minuses that exist between the properties and their is not a true boundary survey present. The Williams hereby grant a perpetual easement of $1\frac{1}{2}$ feet of property going in the direction of their home, if the $1\frac{1}{2}$ feet is in fact their property. In which, the Chapman's believe in honorable conscience that the land of $1\frac{1}{2}$ feet is their property. However, this Agreement is final and shall bind our heirs and successors. And assigns their interests in either of the properties.

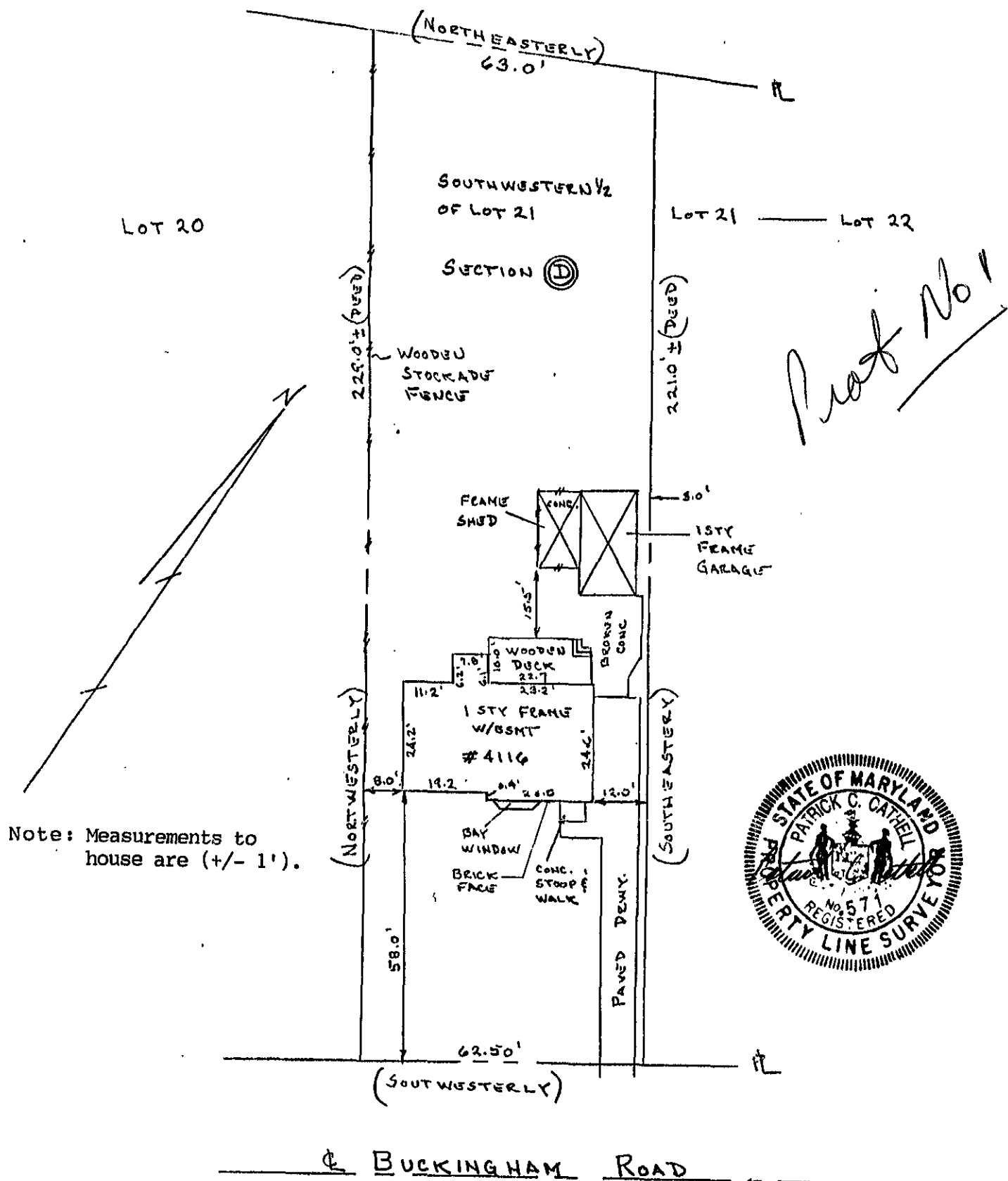
BARRY CHAPMAN

RICHARD WILLIAMS

LENORA JACKSON-CHAPMAN

CYNTHIA ALEXANDER-WILLIAMS

LOCATION DRAWING



*Note: Being the Southwesternmost half of Lot No. 21, Section "D" as shown & designated on the Revised Plan of Block "D" Villa Nova.
Plat Ref: Plat Book W.P.C. No. 3, folio 101.

THE LOT SHOWN HEREON APPEARS TO LIE WITHIN FLOOD ZONE "C" PER F.E.M.A. FLOOD INSURANCE RATE MAP PANEL # 240010 0380 B Effective Date: 03-02-81

This plat is of benefit to a consumer only insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing or re-financing.
This plat is not to be relied upon for the establishment or location of fences, garages, buildings, or other existing or future improvements.

This plat does not provide for the accurate identification of property boundary lines, but such identification may not be required for the transfer of title or securing financing or re-financing.

THIS IS TO CERTIFY THAT WE HAVE CONDUCTED A LOCATION SURVEY OF THE IMPROVEMENTS AND THAT THEY ARE LOCATED AS SHOWN HEREON.

Signature:

Patrick C. Catell

Reg. No. 571

Date: 05/10/95

CLS And Associates

P.O. Box 190
Lisbon, MD 21765

Office: (410) 442-5117 Fax: (410) 442-5175
Beeper: 204-3565

Date: 05-10-95
Scale: 1"=30'
File: AHT-4511

Project: No. 4116 Buckingham Road
Villa Nova
Baltimore County, Maryland
Title Deed: Liber: 8389, Folio: 751.
Plat Ref: see note*

Lot Number : Part of Lot 20
Block/Section : D
Plat Reference : Book : 3 Page : 101
Title of Plat : Revised Plan of Block
D, Villa Nova

Lot 5

Lot 4

N62°06'E 63'

Remainder
of
Lot 20

Part
of
Lot 20

N36°04'W 240.48'

S36°04'E 232'

SET BACKS NEEDED

Harris
Dwelling
4112 Buckingham Road

Front

Williams
Dwelling
4116 Buckingham Road

Front

Front
Chapman
Dwelling
4114

Proposed
Garage 10' Width 47' Depth X 15' hgt.
= A 0.015 Setback

615' to Campfield Road

62.5'
S54°30'W

Elect. Dist 3 CO, 3

1"=200' map # NW 6-F
Zoning: DR-3.5

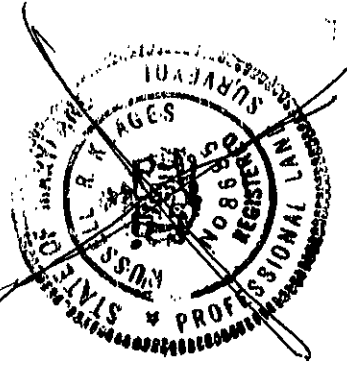
Public Water + Sewer
NOT Critical Area.

No prior Property Lies in
hearings Flood Zone C

BUCKINGHAM ROAD

25465

Plat altered for Zoning
Purposes (Variance). ggg



I HEREBY CERTIFY THAT I HAVE LOCATED THE
IMPROVEMENTS ON THE PROPERTY KNOWN AS
4112 BUCKINGHAM ROAD
BALTIMORE COUNTY, MARYLAND
AND THE IMPROVEMENTS ARE LOCATED AS SHOWN.
THIS PLAT IS NOT TO BE USED FOR THE
PURPOSE OF ESTABLISHING PROPERTY LINES.

9/17/90

TEMPLAR ENGINEERING
8235 RUXTON CROSSING COURT
RUXTON, MARYLAND 21204

(301) 823-3567 SCALE: 1" = 50'

Location
INFO:

Taken in by: JF/ggg

96-69-A

1 IN THE MATTER OF * BEFORE THE
2 THE APPLICATION OF * COUNTY BOARD OF APPEALS
3 LENORA JACKSON-CHAPMAN, et al * OF
4 FOR VARIANCE ON PROPERTY * BALTIMORE COUNTY
5 LOCATED ON THE NORTH SIDE OF * Case No. 96-69-A
6 BUCKINGHAM ROAD, 615' SOUTH * July 24, 1996
7 OF CAMPFIELD ROAD *
8 (4114 BUCKINGHAM ROAD) *
9 3rd ELECTION DISTRICT *
10 3rd COUNCILMANIC DISTRICT *

11 * * * * *

12 The above-entitled matter came on for hearing
13 before the County Board of Appeals of Baltimore County at
14 the Old Courthouse, 400 Washington Avenue, Towson,
15 Maryland 21204 at 10 o'clock a.m., July 24, 1996.

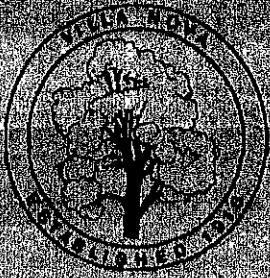
16 * * * * *

17
18
19 ORIGINAL

20 Reported by:

21 C.E. Peatt

RECEIVED



Villa Nova Community Association, Inc.

Qualification of Joan Alston, Zoning Chairman, to appear before the Board of Appeals as a representative of the Villa Nova Community Association, Inc.

Table of Contents:

Villa Nova Community Association, Inc.	
List of Board Members and Officers 1996	1
Letter to the People's Council for Baltimore County	2
Exhibit A - Map of Villa Nova	3
Exhibit B - Resolution of zoning responsibilities	4
Exhibit C - Written Affidavit	5
Exhibit D - Resolution on Board position	6

Is your RETURN ADDRESS completed on the reverse side?

SENDER: <ul style="list-style-type: none"> • Complete items 1 and/or 2 for additional services. • Complete items 3, and 4a & b. • Print your name and address on the reverse of this form so that we can return this card to you. • Attach this form to the front of the mailpiece, or on the back if space does not permit. • Write "Return Receipt Requested" on the mailpiece below the article number. • The Return Receipt will show to whom the article was delivered and the date delivered. 		I also wish to receive the following services (for an extra fee): 1. <input type="checkbox"/> Addressee's Address 2. <input type="checkbox"/> Restricted Delivery Consult postmaster for fee.	
3. Article Addressed to: Lenora + Barry Chapman 4114 Buckingham Rd. Baltimore, MD 21207		4a. Article Number 2054 230 374	
		4b. Service Type <input type="checkbox"/> Registered <input type="checkbox"/> Insured <input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail <input checked="" type="checkbox"/> Return Receipt for Merchandise	
		7. Date of Delivery BALTIMORE MD	
5. Signature (Addressee) [Signature]		8. Addressee's Address (Only if requested and fee is paid)	
6. Signature (Agent)			

PS Form 3811, December 1991 U.S. GPO: 1993-352-714 DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE

Official Business



PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



Print your name, address and ZIP Code here

Cynthia Alexander-Williams
4116 Buckingham Rd.
Baltimore, MD 21207

Z 054 230 378



**Receipt for
Certified Mail**

No Insurance Coverage Provided
Do not use for International Mail
(See Reverse)

PS Form 3800, March 1993

Sent to <i>Lenora + Barry Chapman</i>	
Street and No. <i>4114 Buckingham Rd.</i>	
P.O. State and ZIP Code <i>Balto MD 21207</i>	
Postage	\$ <i>3.24</i>
Certified Fee	<i>1.60</i>
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	<i>1.60</i>
Return Receipt Showing Date, and Addressee's Address	
TOTAL Postage & Fees	<i>5.24</i>
Postmark or Date	<i>22 1995</i>

Stamp: EUDOWOOD BRANCH, BALTIMORE, MD, OCT 22 1995, USPS

000 POSTAGE 6.40

100 PVI 2.52

TOTAL: \$ 8.92

*** U.S. POSTAL SERVICE ***
EUDOWOOD BRANCH
1238 PUTTYHILL AVE 21266

CLERK #08

DATE: 09/22/95 03:39:55 PM

000 POSTAGE 6.40
100 PVI 2.52

TOTAL: \$ 8.92
CASH TENDERED \$ 20.00
CHANGE \$ 11.08

*** THANK YOU ***

AN AGREEMENT BETWEEN
RE: BARRY CHAPMAN AND LENORA JACKSON-CHAPMAN
AND
RICHARD WILLIAMS AND CYNTHIA ALEXANDER-WILLIAMS

JUNE 24, 1995.

We, the above mentioned parties, do hereby make this agreement and acknowledgement to be our collective act. We agree that the Chapman's will utilize $1\frac{1}{2}$ feet of space on the side of the two homes between their respective properties. The Chapman's property known as 4114 Buckingham Road and the Williams property known as 4116 Buckingham Road. Furthermore, pluses and minuses that exist between the properties and their is not a true boundary survey present. The Williams hereby grant a perpetual easement of $1\frac{1}{2}$ feet of property going in the direction of their home, if the $1\frac{1}{2}$ feet is in fact their property. In which, the Chapman's believe in honorable conscience that the land of $1\frac{1}{2}$ feet is their property. However, this Agreement is final and shall bind our heirs and successors. And assigns their interests in either of the properties.

BARRY CHAPMAN

RICHARD WILLIAMS

LENORA JACKSON-CHAPMAN

CYNTHIA ALEXANDER-WILLIAMS

RECORDED

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Prot. Ex. 3
For I.D.

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

December 12, 1995

Mr. and Mrs. Barry Chapman
4114 Buckingham Road
Baltimore, Maryland 21207

RE: Case No. 96-69-A
Petition for Zoning Variance
Property: 4114 Buckingham Road

Dear Mr. and Mrs. Chapman:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been denied.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Lawrence E. Schmidt".

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
att.

cc: Mr. and Mrs. Richard B. Williams
Mr. and Mrs. Robert F. Hyde
Mr. George W. Gebhardt
Mr. and Mrs. Irving T. Basil
Mrs. Joan Alston

MICROFILMED

1IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
 NS Buckingham Road, 615 ft. S
 of Campfield Road * ZONING COMMISSIONER
 4114 Buckingham Road
 3rd Election District * OF BALTIMORE COUNTY
 3rd Councilmanic District
 Lenora Jackson Chapman, et al * Case No. 96-69-A
 Petitioners

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for the property located at 4114 Buckingham Road in the Villa Nova residential subdivision of Baltimore County. The Petition is filed by Barry Chapman and Lenora Jackson Chapman, property owners. Variance relief is requested from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (BCZR) to allow a side yard setback of 0 ft., for an attached garage, and a sum of the side yard setbacks of 10 ft. in lieu of the minimum required 10 ft. and 25 ft., respectively. The subject property is depicted on numerous photographs which were submitted at the hearing and on the site plan which was submitted at the time the Petition was filed. This site plan was marked and received into evidence as Petitioners' Exhibit No. 1.

This matter was originally filed as an administrative variance pursuant to Section 26-127 of the Baltimore County Code. That section permits the Zoning Commissioner to grant variance relief from the strict application of the provisions of the Baltimore County Zoning Regulations without a public hearing for certain owner occupied residential lots. The subject property is residentially zoned (D.R.3.5) and is improved with an occupied single family dwelling. Thus, application was made by the property owners for residential variance relief. Following this application, the property was posted as required. Within the posting period, a request for public

hearing was received from several individuals who reside within 1,000 ft. of the subject property. Thus, pursuant to the provisions of Section 26-127 of the Code., a public hearing was convened to consider this matter.

Appearing at the requisite public hearing held for this case were the Petitioners/property owners. Appearing in opposition to the request were Robert F. and Betty L. Hyde, George W. Gebhardt, Irving T. and Jane S. Basil, Joan Alston and Richard B. and Cynthia A. Williams. Mr. and Mrs. Williams reside immediately next door at 4116 Buckingham Road and are the most affected property owners.

Testimony offered on behalf of the Petition was that Mr. and Mrs. Chapman acquired the property in July of 1986. At that time, they described the site as improved with the subject single family dwelling. However, the dwelling was in somewhat dilapidated condition and the property unkept. Mr. and Mrs. Chapman testified that they have made significant efforts and spent significant sums to upgrade the property. Photographs of the site show that same is now well maintained. In addition to the dwelling, the rear of the lot contains a shed. Examination of the site plan shows the property to be approximately 62.5 ft. wide and 240 ft. deep.

Originally, the property contained an attached carport. This carport was attached to the side of the dwelling which faces the Williams property at 4116 Buckingham Road. Mr. Chapman indicated that there has been an increase in crime in the area. He produced written documentation showing that he has been a victim of crime and that there have been instances of burglary and vandalism. Moreover, Mr. Chapman indicated that a portion of his lot adjacent to the dwelling frequently floods. He indicated that rain flows down the paved driveway and settles in his side yard.

In order to address these concerns, Mr. Chapman constructed an attached single car garage to the dwelling. This garage is shown in a series of photographs which were submitted and is on the side of the property facing the Williams' house. The garage is approximately 47 ft. deep, 10 ft. wide and 15 ft. high. The garage replaced the open carport which existed at this location previously. Due to the garage's location and size, the requested side yard and sum of side yard setback variances were filed. It is of note that the garage was constructed by Mr. Chapman and a friend. A permit was not initially obtained when construction began, however, application for same was ultimately made.

Mr. and Mrs. Williams testified in opposition to the request. Their opposition was joined by other neighbors of the area. They indicate that the garage is located immediately abutting the property line and towers over their side yard. They produced a property line survey (Protestants' Exhibit No. 1) which shows that their house is but 8 ft. from the property line. They observed that this minimal distance is insufficient and that the garage blocks their air, view and light. It was also claimed that the construction of the garage has diverted water runoff into the Williams' yard.

I am appreciative of the Chapmans' concerns regarding crime and their claim to need garage space. Moreover, it appears that their property is generally well kept and that they have improved the site since their acquisition of same. Nonetheless, I am troubled over the fact that the garage was built without a permit. Moreover, the site plan submitted by the Petitioners when the case was filed indicates that the distance from the property line to the Williams' house is 46 ft. The photographs and property line survey submitted by Mr. and Mrs. Williams show that the Chapmans' house is only 8 ft. from the property line, significantly less than the 46

ft. shown. The impact of the garage on the Williams' dwelling located less than 10 ft. away is significantly different than if the house were located, as claimed by the Chapmans, more than 5 times farther away.

Zoning variances must be considered in accordance with the standards set forth in Section 307 of the BCZR. The Petitioner must demonstrate that a practical difficulty would result if strict adherence to the regulations were required. Moreover, in the recent Court of Special Appeals case of Cronwell v. Ward, 102 Md. App 691 (1995), the Court opined that the property owner must demonstrate that the site is unique and different from other properties. As importantly, variance relief can be granted only if same will not be detrimental to surrounding properties.

In this instance, I am not persuaded that the Chapmans have satisfied their burden at law. I particularly find that the garage, as and where constructed, detrimentally affects the adjacent property. This finding, in and of itself, is sufficient to deny the variance. Moreover, the testimony was not persuasive that strict adherence to the regulations would result in a practical difficulty or that the property in and of itself was unique when compared with other parcels. For these reasons, the Petitioner for Variance should be denied and I will so order.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 15th day of December, 1995 that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (BCZR) to allow a side yard setback of 0 ft., for an attached garage, and a sum of the side yard setbacks of 10 ft. in lieu of the minimum required 10 ft. and 25 ft., respectively, be and is hereby DENIED.

The garage shall be removed within 120 days from the date of this Order or, if this Order is appealed, then within 120 days from when a final decision is rendered in this matter.

LES/mmn



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

ZONING VIOLATION INSPECTION RECORD

No. C-1648

Ap. EX.1

Date: 3/13 Inspector: Location: 4114 Buchingham Rd.

Rating:

Strict: Int./Landmark:

Notice: In-Person

Letter

Pick-Up

Structure: Apartment

Dwelling

Other

Complainant:

Address:

Attorney:

Address:

Occupant:

Address:

Owner:

Address:

Attorney:

Address:

DETAILS OF COMPLAINT:

to UV's Commercial Van

Exhibit A

INSPECTION Day: Date: Time:

Violation: Yes ☐ No ☐ Section(s):
Informing Use Claimed: Yes ☐ No ☐ Year:

Day Card - Correction: No. Photos:
INSPECTION Day: Date: Time:

Case () No. Photos:
for Hearing ()
INSPECTION Day: Date: Time:

No. Photos:
INSPECTION Day: Date: Time:

No. Photos:
SUMMONS (✓) Inspector

Exhibit ♦ B.

Mrs. Lenora Jackson

Mrs. Lenora Jackson-Chapman
Mr. Barry Chapman
4114 Buckingham Road
Baltimore, Maryland 21207

Date Aug 29, 1995

RE: Compliance With Zoning, Removal of Vehicles
Case No: C-95-1648 3rd Election District

Dear, Mr. James Thompson

We are writing you to inform you that we have complied with removing the vehicles from the rear yard and the inspectors can contact us to see that the compliance has been met. Thank you very much for your time and consideration in this matter.

Sincerely,

Lenora Jackson-Chapman
Lenora Jackson-Chapman

Barry Chapman
Barry Chapman

cc: Mr. Timothy Fitts, Baltimore County Inspector

LJC/BC/lsg

9. VICTIM NAME (LAST, FIRST, MIDDLE) WILLIAM BARRY NORMAN		10. VICTIM DOB 12/10/40	11. VICTIM SEX M	12. VICTIM RACE W	13. VICTIM HEIGHT 5'10"	14. VICTIM WEIGHT 175	15. VICTIM EYES BRN	16. VICTIM HAIR BRN	17. VICTIM OCCUPATION SALES	18. VICTIM EMPLOYER WILLIAM BARRY NORMAN	19. VICTIM ADDRESS 1500 WOOD ST	20. VICTIM CITY WILMINGTON	21. VICTIM STATE DE	22. VICTIM ZIP 19801	
23. NATURE OF INJURY(S) SHOOTING		24. MEDICAL EXAMINER DR. [Name]		25. PROPERTY DISPOSITION RECOVERED		26. BODY DISPOSITION RECOVERED		27. VICTIM HOSPITALIZED NO		28. VICTIM DECEASED NO		29. VICTIM BURIED NO		30. VICTIM CREMATED NO	

24. INVESTIGATIVE INTERVIEWS:

NAME	SEX	RACE	AGE	ADDRESS	INTERVIEW TYPE	RESIDENCE PHONE	BUSINESS PHONE	FACTORY	REL
					W - WITNESS V - VICTIM C - COMPLAINT P - PARENT G - GUARDIAN I - INTERVIEW				

SUSPECT(S)

25-1 SUSPECT ONE: ARRESTED YES <input type="checkbox"/> NO <input type="checkbox"/> NAME (LAST, FIRST, MIDDLE) ADDRESS PHONE SEX RACE DOB OR AGE HT WT EYES COM HAIR & STYLE CLOTHING CHARACTERISTICS MISCELLANEOUS	25-2 SUSPECT TWO: ARRESTED YES <input type="checkbox"/> NO <input type="checkbox"/> NAME (LAST, FIRST, MIDDLE) ADDRESS PHONE SEX RACE DOB OR AGE HT WT EYES COM HAIR & STYLE CLOTHING CHARACTERISTICS MISCELLANEOUS
--	--

SUSPECT VEHICLE

26. VEHICLE(S)	27. YEAR	28. MAKE	29. MODEL	30. STYLE	31. COLOR (TOP/BOTTOM)	32. EQUIPMENT CHARACTERISTICS
<input type="checkbox"/> SUSPECT <input type="checkbox"/> TARGET <input type="checkbox"/> BURN <input type="checkbox"/> RECOVERY <input type="checkbox"/> OTHER	33. VIN	34. REGISTRATION INFORMATION	35. STATE	36. YEAR	37. TAG	38. LOSS VALUE
39. METHOD OF INTERFERENCE OF TAMPERING		40. RECOVERY BY		41. RECOVERY VALUE		42. HOW DO STORAGE LOCATION
43. DATE TIME DRIVER		44. VEH. PROCESSED		45. VEHICLE USED		46. TELETYPE NUMBER

46. CRIME SCENE TECHNICAL WORK: NONE ☐ CRIME LAB ☐ FIELD ☐ TYPE

PHYSICAL EVIDENCE

47. POINT OF ENTRY	48. DIRECTION - MEANS OF TRAVEL	49. PROPERTY DESTROYED	50. LOSS VALUE
51. TOOLS - MEANS USED (BE SPECIFIC)	52. SECURITY SURVEILLANCE INFORMATION	53. SECURITY SURVEILLANCE INFORMATION	54. SECURITY SURVEILLANCE INFORMATION

STOLEN PROPERTY

ITEM	PROPERTY TAKEN	BRAND-DESCRIPTION-IDENTIFYING MARKS, ETC	LOCATION	MODEL	SERIAL	NUMBER	VALUE
1	Bicycle	Murray (Sears) Red/White	Yard	10 Speed			\$75.00
2	Bicycle	Murray - Pink	Yard	10 Speed			\$100.00

54. ARE SIMILAR CRIME/SUSPECT ACTION(S) KNOWN? YES ☐ NO ☒ IF YES LIST CC NUMBER

55. TOTAL LOSS VALUE \$ **175.00**

IS ANY FORM OR TYPE OF M.O. PRESENT? IF YES, DESCRIBE

56. PROSECUTION YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	57. WARRANT/SUMMONS PROCEDURE EXPLAINED YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
58. PROPERTY: FOUND/RECOVERED	59. POSSIBLE SYSTEM SEARCH YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
60. FOLLOW-UP SEARCH INFO YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	

61. MISCELLANEOUS (CONTINUATION, CLARIFICATION, AND ANY PLAINTEXT DATA NOT CONTAINED ABOVE)
Handbook Recovered by Owner.
New Loss Value \$ 75.00

62. TOTAL SC **Exhibit C**

63. Distribution	64. INVESTIGATING OFFICER	65. REPORTING AREA	66. REPORTING DATE	67. REPORTING TIME	68. TELETYPE NUMBER	69. STATUS
63. Distribution	64. INVESTIGATING OFFICER	65. REPORTING AREA	66. REPORTING DATE	67. REPORTING TIME	68. TELETYPE NUMBER	69. STATUS

I Lenora Jackson Chapman
is also a member of
the citizen park. in
our community.

MICROFILMED

Exhibit.
D

CAR radio was stolen
in driveway of 4114
Buckingham Rd. Balto. MD. 21207

Report on file at Police
Dept. 8/94.

MICROFILMED

Exhibit D

Exhibit E

BALTIMORE COUNTY, MARYLAND
OFFICE OF THE BUILDING ENGINEER

JOB LOCATION 4114 ROCKINGHAM LP

DISTRICT 2 PCF ---

PERMIT NO. ---

BLDG INSP	887 3953
PLUMB INSP	887 3620
ELEC INSP	887 3960
SHD. CON INSP	887 3226
BLDG. ENG.	887 3373

CORRECTION NOTICE

I HAVE THIS DAY INSPECTED THIS STRUCTURE AND THESE PREMISES AND HAVE FOUND THE FOLLOWING VIOLATIONS OF THE LAWS OF BALTIMORE COUNTY CODE

CODR. CABO 142 FAM. SEC. 110.1

NO RECORD OF PERMIT ON FILE. PERMIT

IS TO BE ISSUED FOR ATTACHED GARAGE.

THESE CONDITIONS MUST BE CORRECTED NOT LATER THAN DATE 7/14/85
FAILURE TO COMPLY CONSTITUTES A VIOLATION OF COUNTY LAW.

DATE 7/14/85 SIGNED INSPECTOR Grant L. Bell

ALL CORRECTIONS COMPLETE AND APPROVED

DATE --- SIGNED INSPECTOR ---

DO NOT REMOVE THIS TAG

MICROFILMED



BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF PERMITS AND LICENSES
TOWSON, MARYLAND 21204

John R. Rainey
BUILDINGS ENGINEER

BUILDING PERMIT

PERMIT #: B241192 CONTROL #: MR DIST: 03 PREC: 03
DATE ISSUED: 07/12/95 TAX ACCOUNT #: 0310047090 CLASS: 04

PLANS: CONST PLOT 1: R PLAT DATA ELEC NO PLUM NO
LOCATION: 4114 BUCKINGHAM RD
SUBDIVISION: VILLA NOVA

OWNERS INFORMATION

NAME: JACKSON, LENORA
ADDR: 4114 BUCKINGHAM RD

TENANT:

CONTR: OWNER

ENGNR:

SELLR:

WORK: CONSTRUCT GARAGE ON SIDE OF EX SFD.
FOUNDATION TO CODE REQUIRED. CORRECTION NOTICE
ISSUED - NO FEE ASSESSED.
7'X 45'X 15' = 315SF

BLDG. CODE: 1 AND 2 FAM. CODE
RESIDENTIAL CATEGORY: DETACHED

OWNERSHIP: PRIVATELY OWNED

ESTIMATED \$ PROPOSED USE: SFD & ADDITION
2,500.00 EXISTING USE: SFD

TYPE OF IMPRV: ADDITION

USE: ONE FAMILY

FOUNDATION:

SEWAGE: PUBLIC EXIST

BASEMENT:

WATER: PUBLIC EXIST

LOT SIZE AND SETBACKS

SIZE: 62.50 X
FRONT STREET:
SIDE STREET:
FRONT SETB: NC
SIDE SETB: 15'/10'
SIDE STR SETB:
REAR SETB: NC

THIS PERMIT
EXPIRES ONE
YEAR FROM DATE
OF ISSUE

Exhibit F



BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF PERMITS AND LICENSES
TOWSON, MARYLAND 21204

John R. Reing
BUILDINGS ENGINEER

*Exhibit
F*



2 of 2

Exhibit G.



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3610

REQUEST FOR ASSISTANCE

DATE: 7/12/95

PEAH 222

COMPLAINANT INFORMATION:

Name: GUS HARRIS

Address:

Phone: 484-3842

VIOLATION ADDRESS: 4114 BOCKINGHAM RD

ALLEGED VIOLATION: BUILDING GARAGE W/O PERMIT.

INSPECTOR ASSIGNED: GRANT KIDD

DISTRICT: 2

DATE OF INSPECTION: 7/11/95

RESULTS OF INSPECTION: ISSUED CORRECTION NOTICE; ~~PERMIT~~
PERMIT FOR GARAGE.

ACTION TAKEN: CORRECTION NOTICE ISSUED FOR ATTACHED
GARAGE. GAVE CORR. NOTICE TILL 7/14/95.

7/10/75

Mr. Mrs. Chapman

On 7/11/75, Mrs. Chapman informed the undersigned that a letter received from the Baltimore County Inspection Department advised Mr. Chapman that this writer, Augustus H. [unclear] called the inspection department in reference to the [unclear] building a garage into their house.

The undersigned was not aware that the Chapmans were calling a garage. Therefore, this writer did not call the inspection department. It is obvious that someone else did and used this writer's name.

This writer respectfully requests of the Baltimore County Inspection Department to investigate this alleged incident and to report any findings to the undersigned at the address/telephone numbers (410) Buckingham Road, Baltimore, Maryland 21207) (410) 486 1458).

The alleged incident is an attempt to defame this writer's character.

Sincerely,
[Signature]

MICROFILMED

Exhibit H.

EXIST I

BALTIMORE COUNTY, MARYLAND
OFFICE OF THE BUILDING ENGINEER

JOB LOCATION 4114 BUCKINGHAM

DISTRICT 3 REC. 3

PERMIT NO. B 241192

BLDG. INSP. 887-1453
PLUMB. INSP. 887-3620
ELEC. INSP. 887-3960
SFD. CON. INSP. 887-3226
BLDG. ENG. 887-3373

CORRECTION NOTICE

I HAVE THIS DAY INSPECTED THIS STRUCTURE AND THESE PREMISES AND HAVE FOUND THE FOLLOWING VIOLATIONS OF THE LAWS OF BALTIMORE COUNTY CODE.

CODE CABO SEC. R110

NON-COMPLIANCE WITH PERMIT
FAILURE TO OBSERVE SET BACKS
FRAMING NOT TO CODE

THESE CONDITIONS MUST BE CORRECTED NOT LATER THAN DATE: 8/8/95
FAILURE TO COMPLY CONSTITUTES A VIOLATION OF COUNTY LAW.

DATE 7/25/95 SIGNED INSPECTOR Lewis Mayer

ALL CORRECTIONS COMPLETE AND APPROVED

DATE _____ SIGNED INSPECTOR _____

DO NOT REMOVE THIS TAG

MICROFILMED

Baltimore County Government
Department of Permits and Licenses



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3610

REQUEST FOR ASSISTANCE

DATE: 7/26/95

RFA#

COMPLAINANT INFORMATION:

Name: MR Novie

Address:

Phone:

VIOLATION ADDRESS: 4114 BUCKINGHAM RD

ALLEGED VIOLATION: ADDITION TOO CLOSE TO PROPERTY LINE

INSPECTOR ASSIGNED: MAYER

DISTRICT: 3

DATE OF INSPECTION: 7/25/95

RESULTS OF INSPECTION: ~~LEFT CORR. NOTICE~~
ADDITION 7 FT FROM NEXT HOUSE

ACTION TAKEN: LEFT CORR. NOTICE FOR FAILURE TO
OBSERVE SETBACKS

Exhibit J.

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify therefo in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 4114 Buckingham Road
address
Lenora Jackson-Chapman Baltimore, County, Maryland 21207
Barry Chapman City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty) We the applicants are faced with an undue hardship, which was not the result of our actions. Also we need to make reasonable use of our property for off street parking and the difficulties or hardship is peculiar to the subject property in contrast to other properties in the zoning district. There are numerous garages within the block, surrounding blocks and throughout the zoning district. The applicants need to secure the property from theft of property, to also prohibit access to swimming pool area, thereby preventing potential harm to others. Furthermore the garage will be utilized to shield the property from continuous water damage to the property because of lack of drainage on this side of the road.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

(signature)
Lenora Jackson-Chapman
(type or print name)



(signature)
Barry Chapman
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 21st day of August, 19 95, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Lenora Jackson-Chapman and Barry Chapman

the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

8-21-95
date

LEON C. PURNELL
NOTARY PUBLIC STATE OF MARYLAND
NOTARY PUBLIC My Commission Expires March 4, 1996
My Commission Expires March 4, 1996

Exhibit K

MICROFILMED



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 4114 Buckingham Road Baltimore County, Md. 21207
which is presently zoned _____

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship & practical difficulty) 1) Prior to 1948 there were no set back requirements and this is when the house was built. 2) With the current set backs, reasonable use of the property can not be utilized for a permitted purpose. 3) Current zoning won't allow us to protect our property from theft, provide off street parking, secure pool area and prevent continuous water damage, because of lack of drainage. This would be an undue hardship.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

Lenora Jackson-Chapman

(Type or Print Name)

Lenora Jackson Chapman

Signature

Barry Chapman

(Type or Print Name)

Barry Chapman

Signature

4114 Buckingham Road 410-653-7255

Address

Phone No.

Baltimore County, Maryland 21207

City

State

Zipcode

Name, Address and phone number of representative to be contacted

Lenora Jackson-Chapman

Barry Chapman

Name

4114 Buckingham Road Balto Co. Md. 21207

Address

Phone No.

410-653-7255

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this ____ day of _____, 19____, that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted.

Zoning Commissioner of Baltimore County

REVIEWED BY: _____ DATE: _____



Printed with Soybean Ink
on Recycled Paper

ITEM #: _____

K

Exhibit L

Fax To: Mr. Lewis Mayer 410-887-5708
Office 887-3953

August 7, 1995

Mr. Barry Chapman
Mrs. Lenora Jackson-Chapman
4114 Buckingham Road
Baltimore, Maryland 21207
410-653-7255

RE: Permit #B241192 For Property Known as 4114 Buckingham Road
Baltimore, Maryland

Dear, Mr. Lewis Mayer of the Baltimore County Building Inspection Office
Per our conversation today concerning the corrections that need to be
made to the above mentioned property. With regard to the set backs, we
will be applying for a variance on 8-8-95 and will forward you a copy
of the application. Also with regard to the framing we will treat the
lumber today to bring the framing into compliance with the code.
Thank you for your time and consideration in this matter.

Sincerely,

Barry Chapman

Barry Chapman

Lenora Jackson-Chapman

Lenora Jackson-Chapman

MICROFILMED

Exhibit *M*

Request for Variance

August 28, 1995

Hi,

My name is Lenora Chapman and I live at 4114 Buckingham Road. My husband, Barry and I applied to zoning to request a variance. A zoning variance can be requested each time a plan is created or a zoning ordinance enacted. Example, is when a owner wants to change the uses of their property. In our case we would like to change our carport into a garage. A variance can allow you to uses of property that donot meet zoning requirements, Even when the change is on your own land. If you have no legitimate reason why we should not continue uses of our garage, please sign below.

Thank-You

1. Jerry F Craig 4113 Buckinghams Rd. Baltimore MD 21207
2. Valerie Turner 4113 Buckingham Rd
3. Aprilha Thompson
4. Loretta Mark 4113 Buckingham Rd Baltimore 21207
- 5.
6. Shaffer Ferguson 4120 Buckingham Rd 21207
7. Osborne B McCarty 4128 Buckingham Rd Balto. 21207
8. Elnor McCarty 4128 Buckingham Rd Balto. 21207
9. Shae & Cecile 4117 Buckingham Rd Balto. 21207
10. Cecile & Orla 4117 Buckingham Rd Balto. 21207
- 11.
- 12.
13. Willie Hilton 4115 Buckingham Rd 21207
- 14.
15. Augustina D. Harris 4113 Buckingham Rd 21207
16. M. J. Harris 4112 Buckingham Rd 21207
17. Blanche M. Lewis 4110 Buckingham Rd 21207
18. Joy Williams 4111 Buckingham Rd 21207
19. H. Niffen 4104 Buckingham Rd 21207
- 20.
- 21.
- 22.
- 23.
- 24.
- 25.
- 26.
- 27.
- 28.
- 29.
- 30.

MICROFILMED

Congratulations!

You have placed in the Villa Nova Community Associations "Best Decorated Home" Holiday contest. Please contact me (Rosey) at 653-8610 to arrange receiving your prize.

Thank you,

Happy Holidays,

Rosey Poole

Rosey Poole

President, Villa Nova Community Association

4110 Villa Nova Road

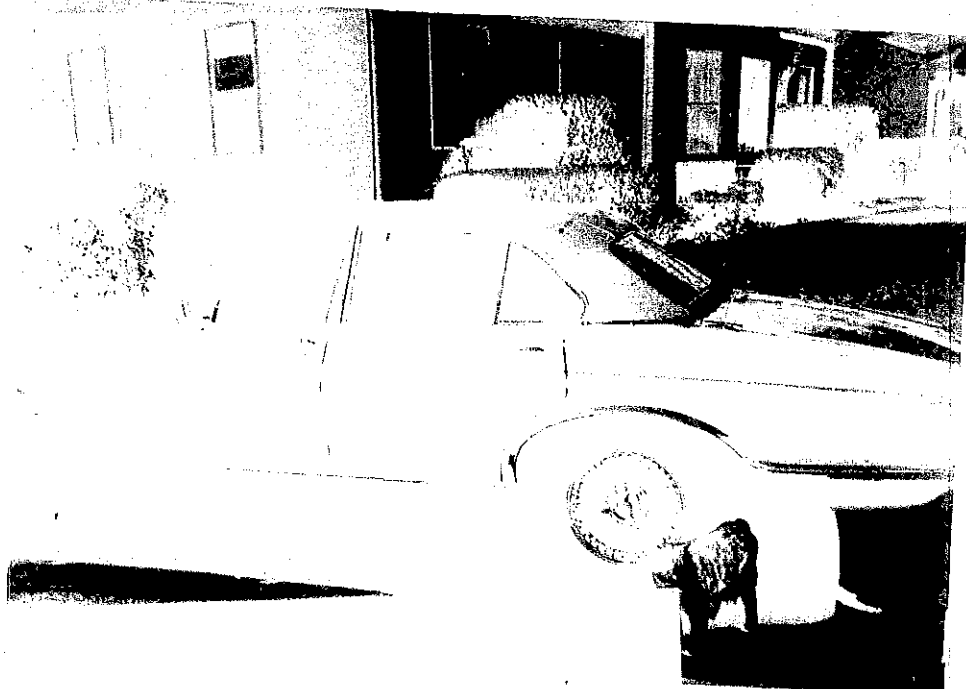
Baltimore, MD 21207

(410)653-8610

Exhibit

MA

RECEIVED



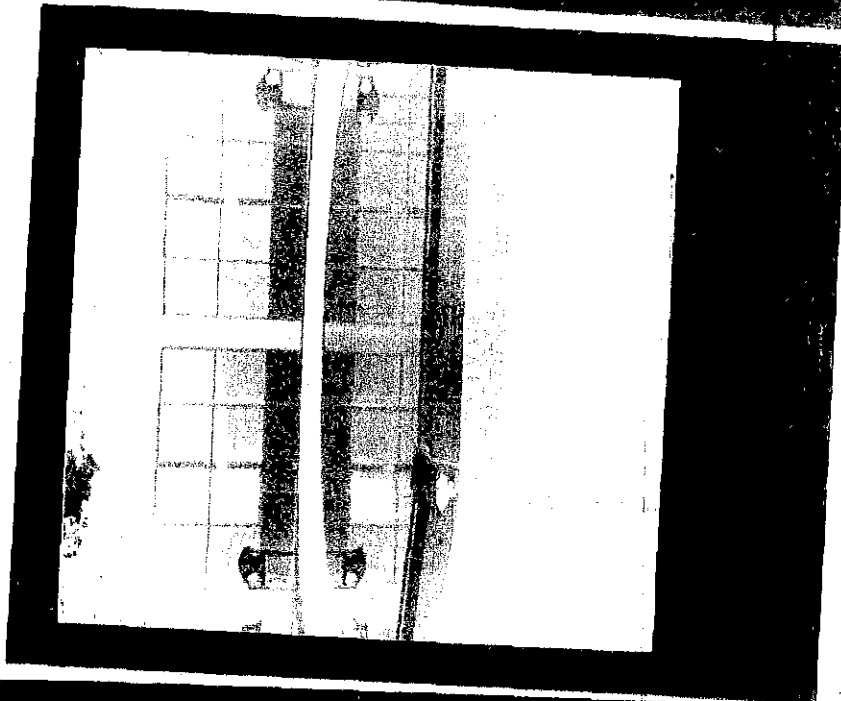
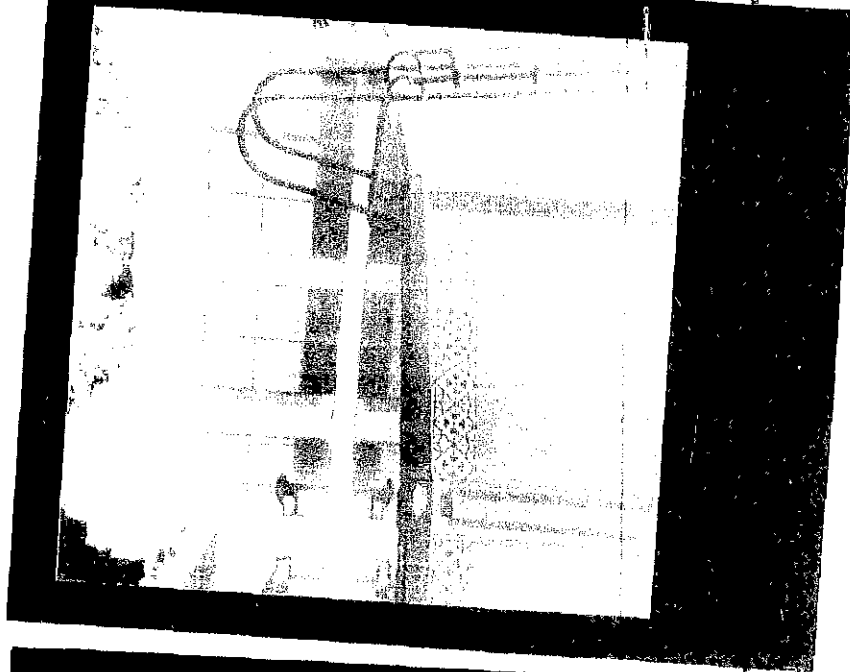
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Pictures



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Ap. Ex. 8



Page 3 of
Ap. Ex. 7 Pictures

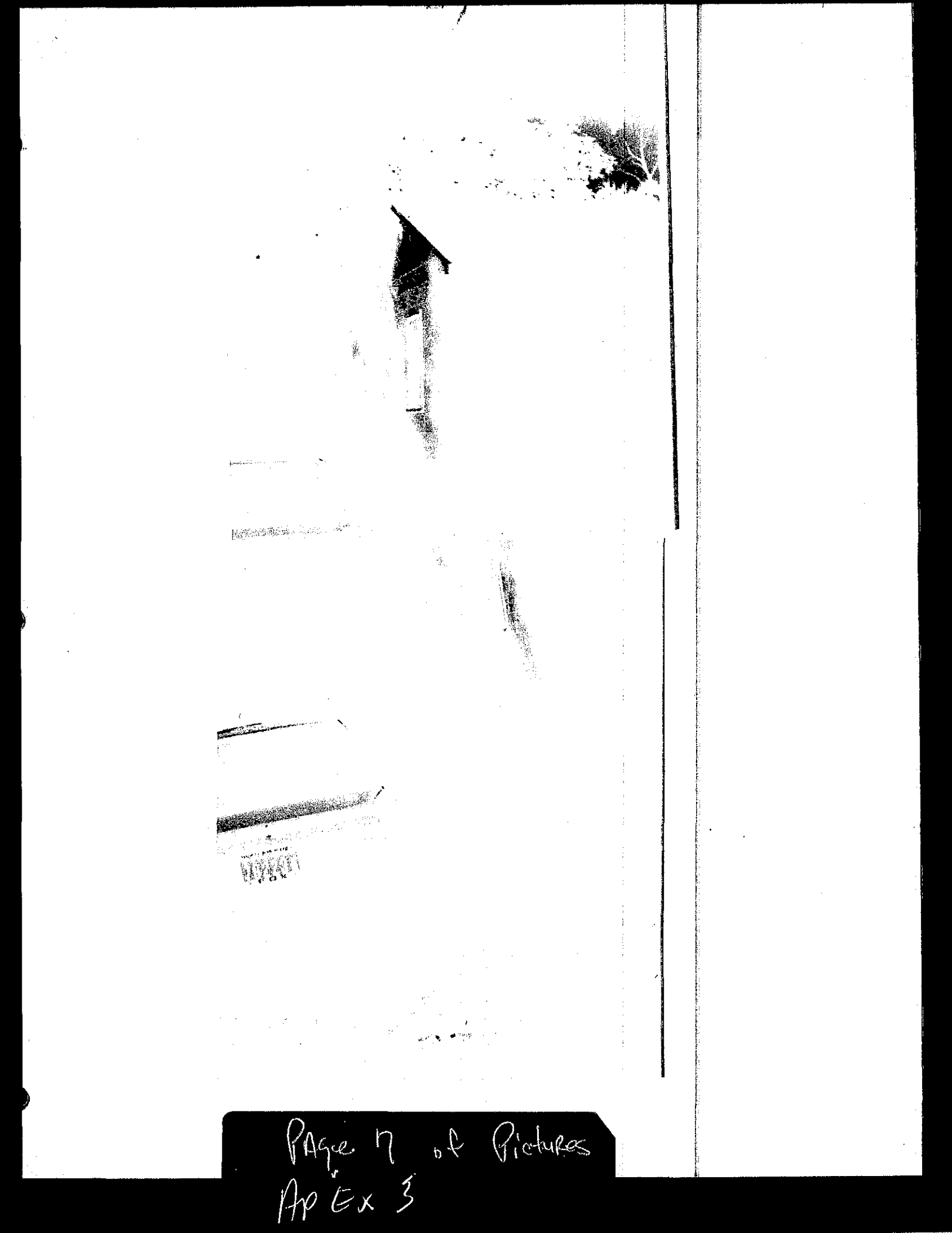


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App. Ex. 6

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Ap. Ex. 5



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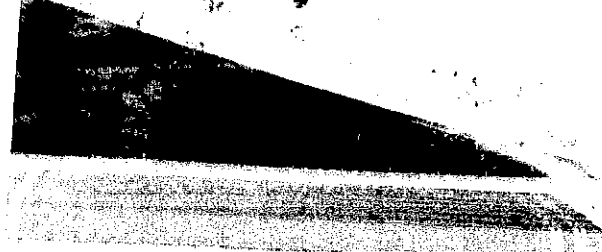
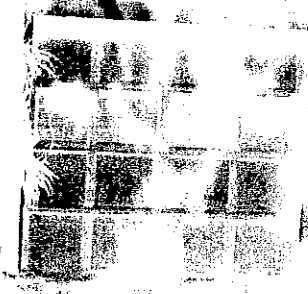
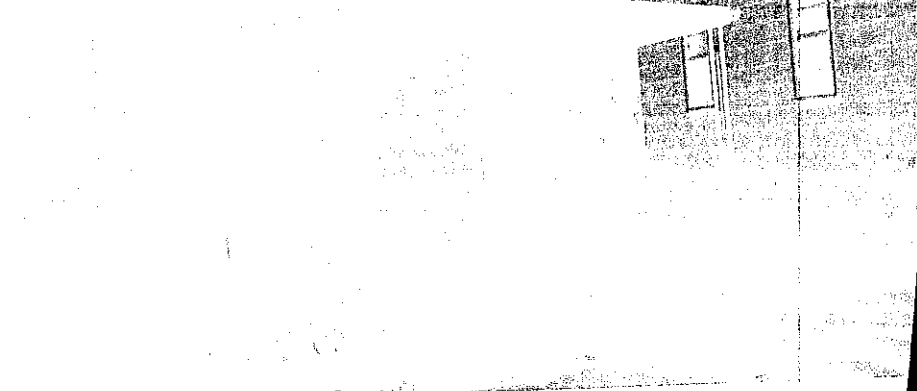


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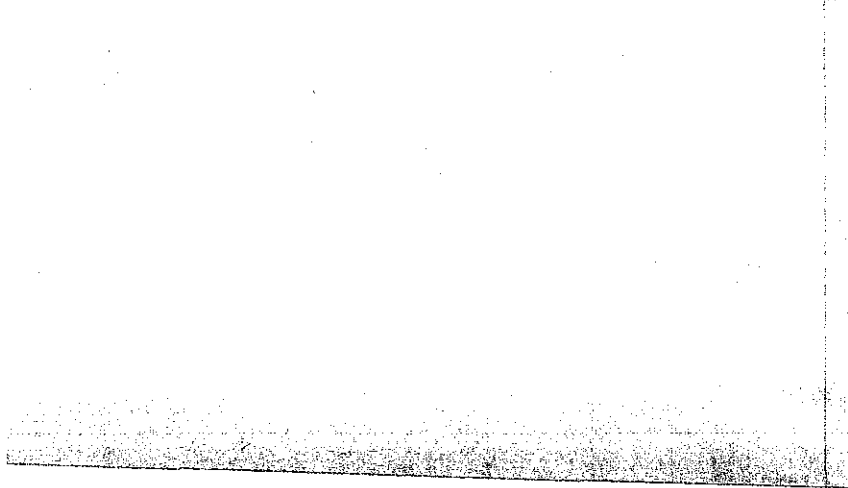
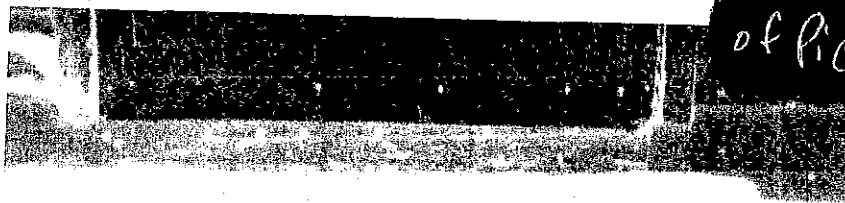
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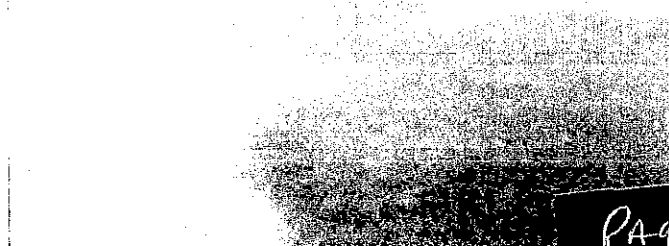


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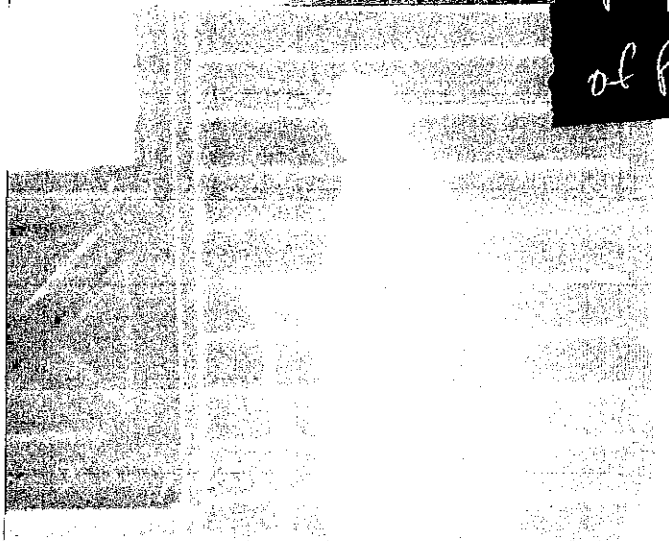




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Page ^{AP Ex} 12 14
of pictures

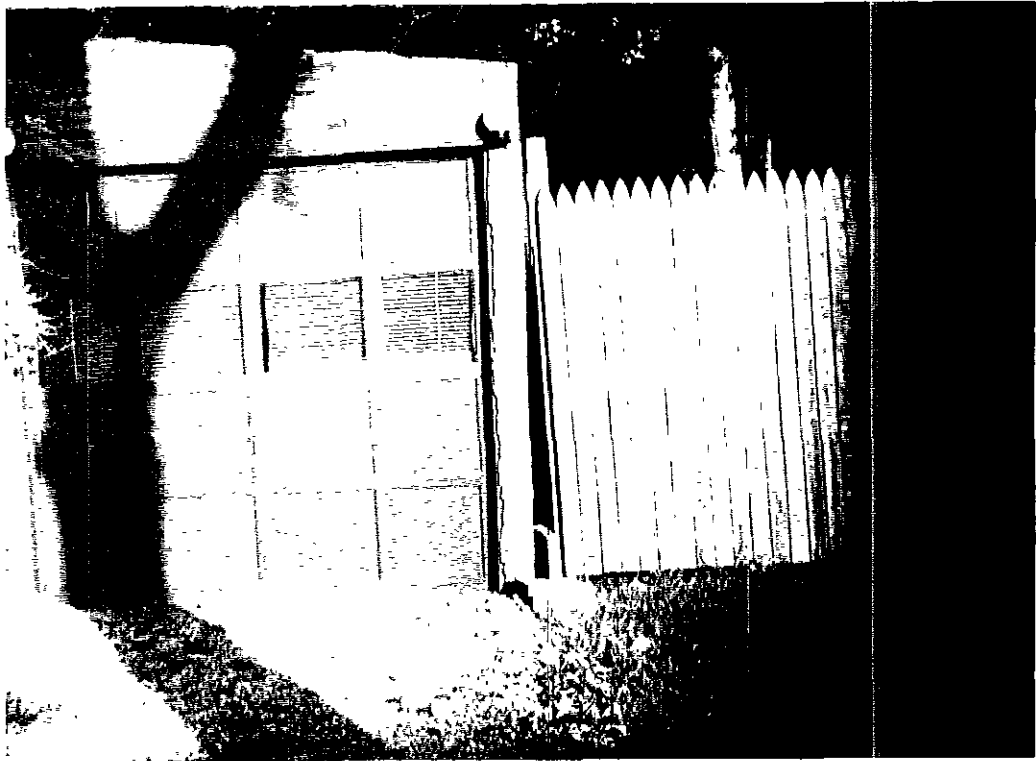


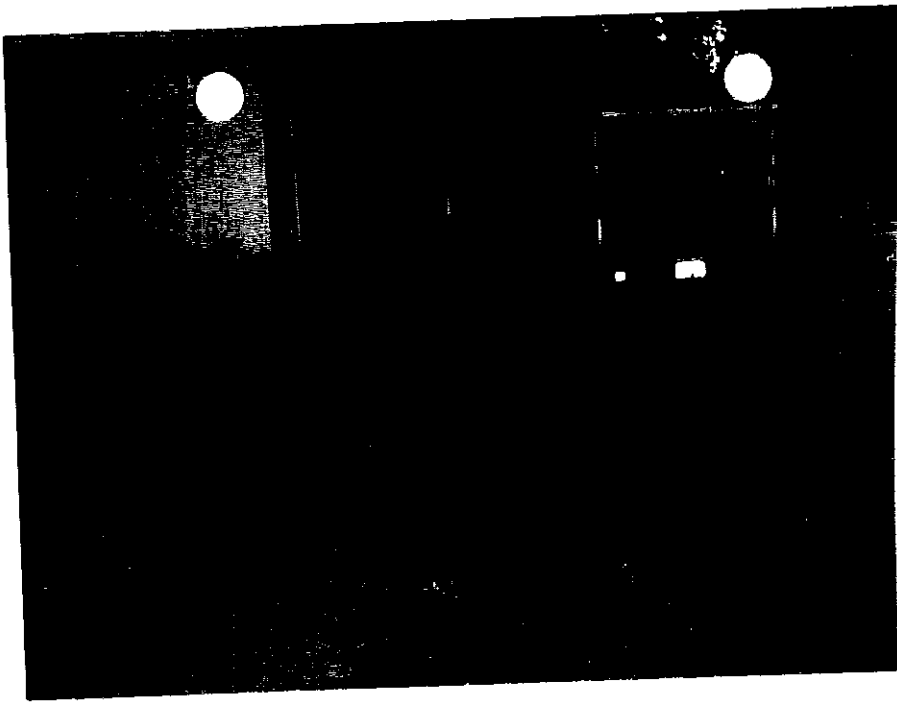
ZONING NOTICE

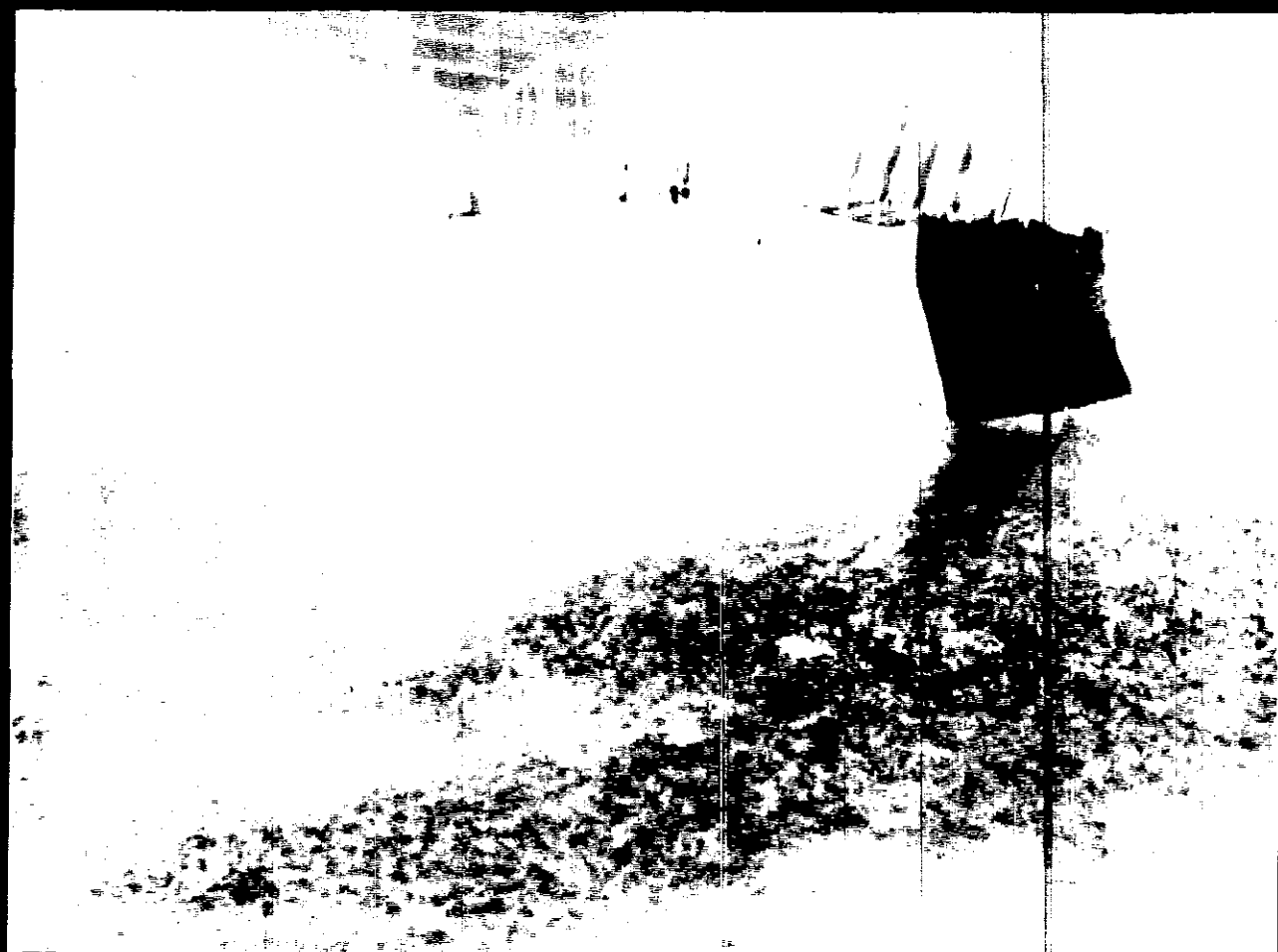
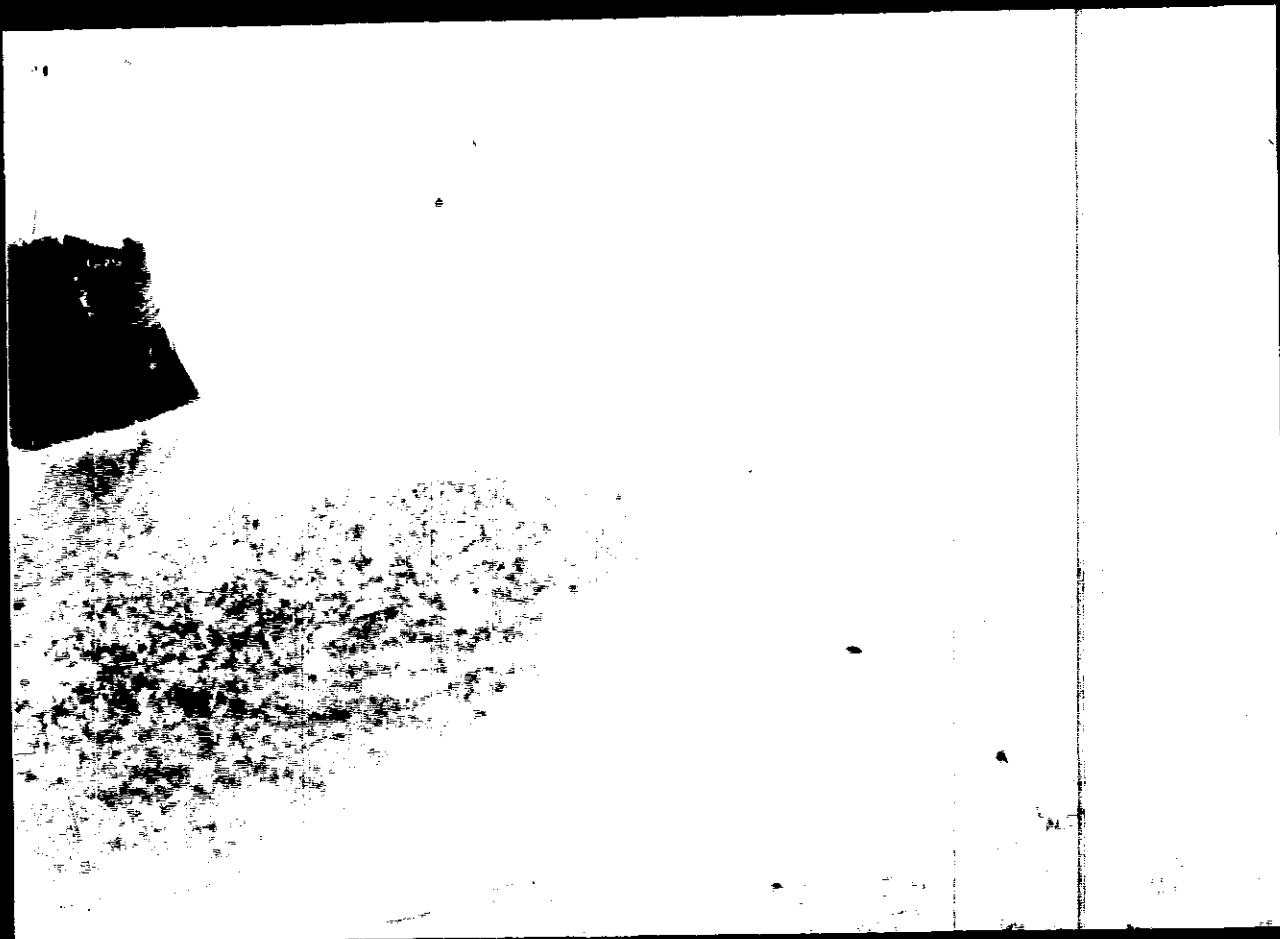
VARIANCE

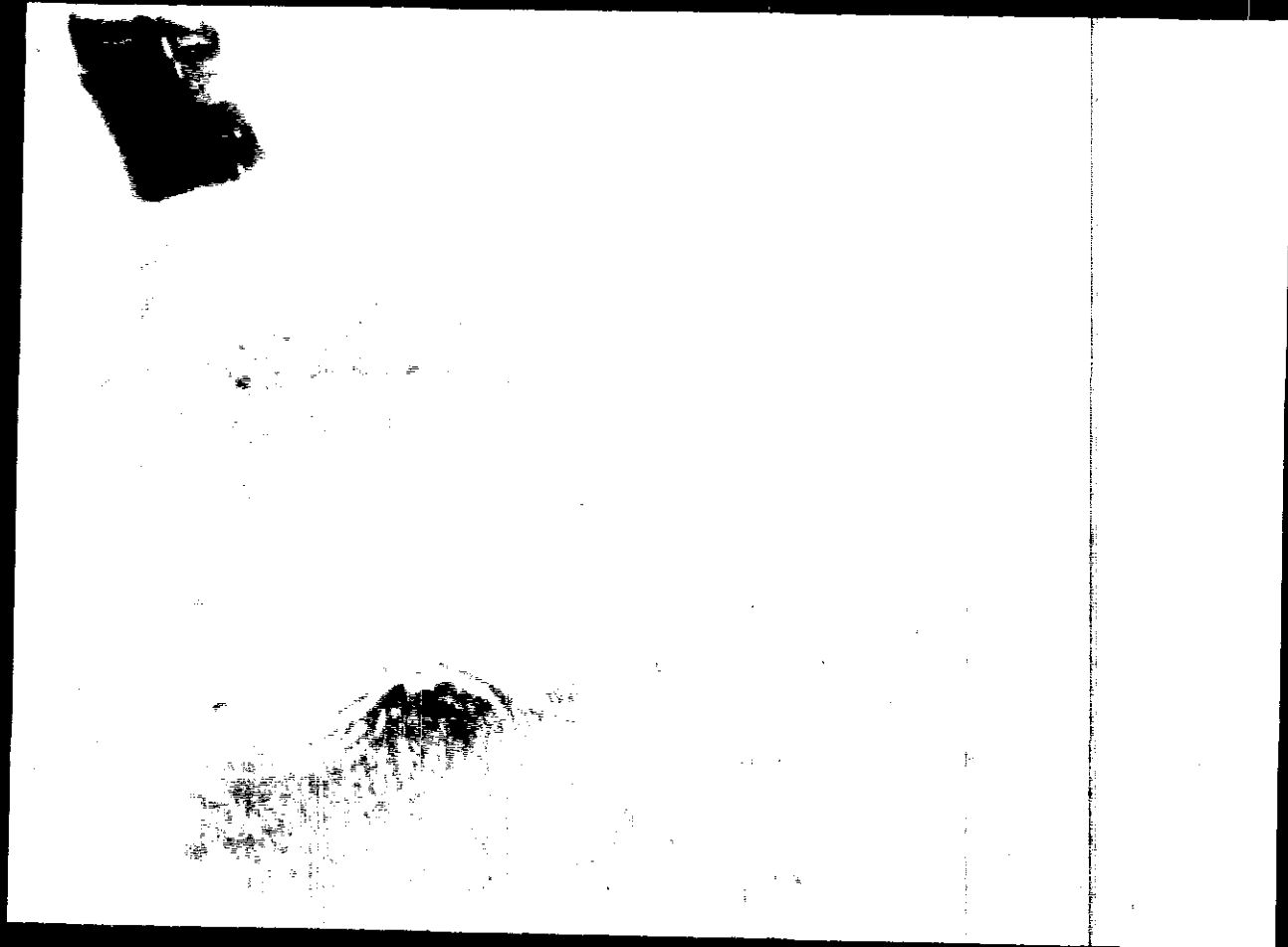
A PUBLIC HEARING WILL BE HELD BY THE
ZONING COMMISSIONER, COUNTY
OFFICE, BALTIMORE, MARYLAND

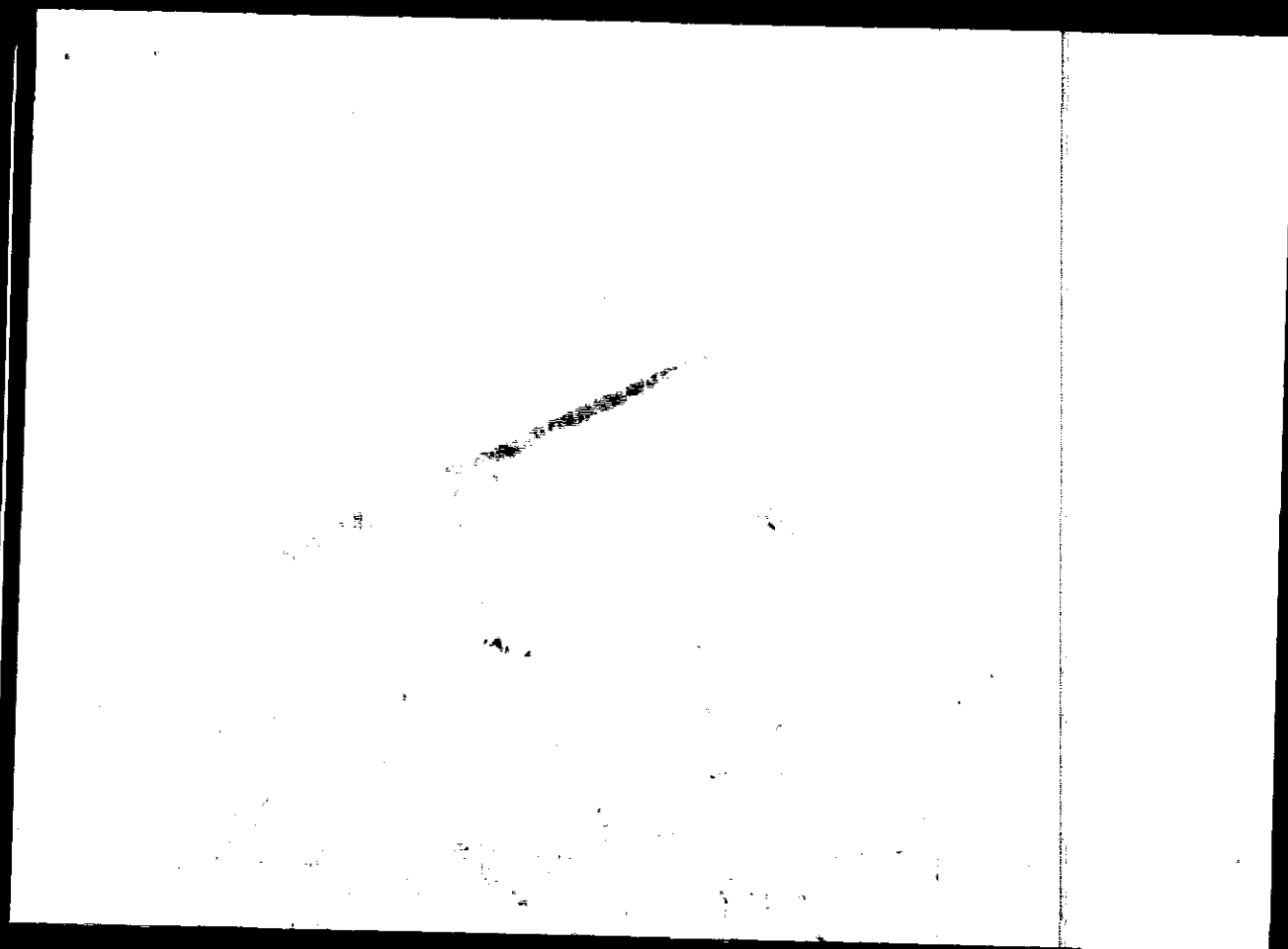
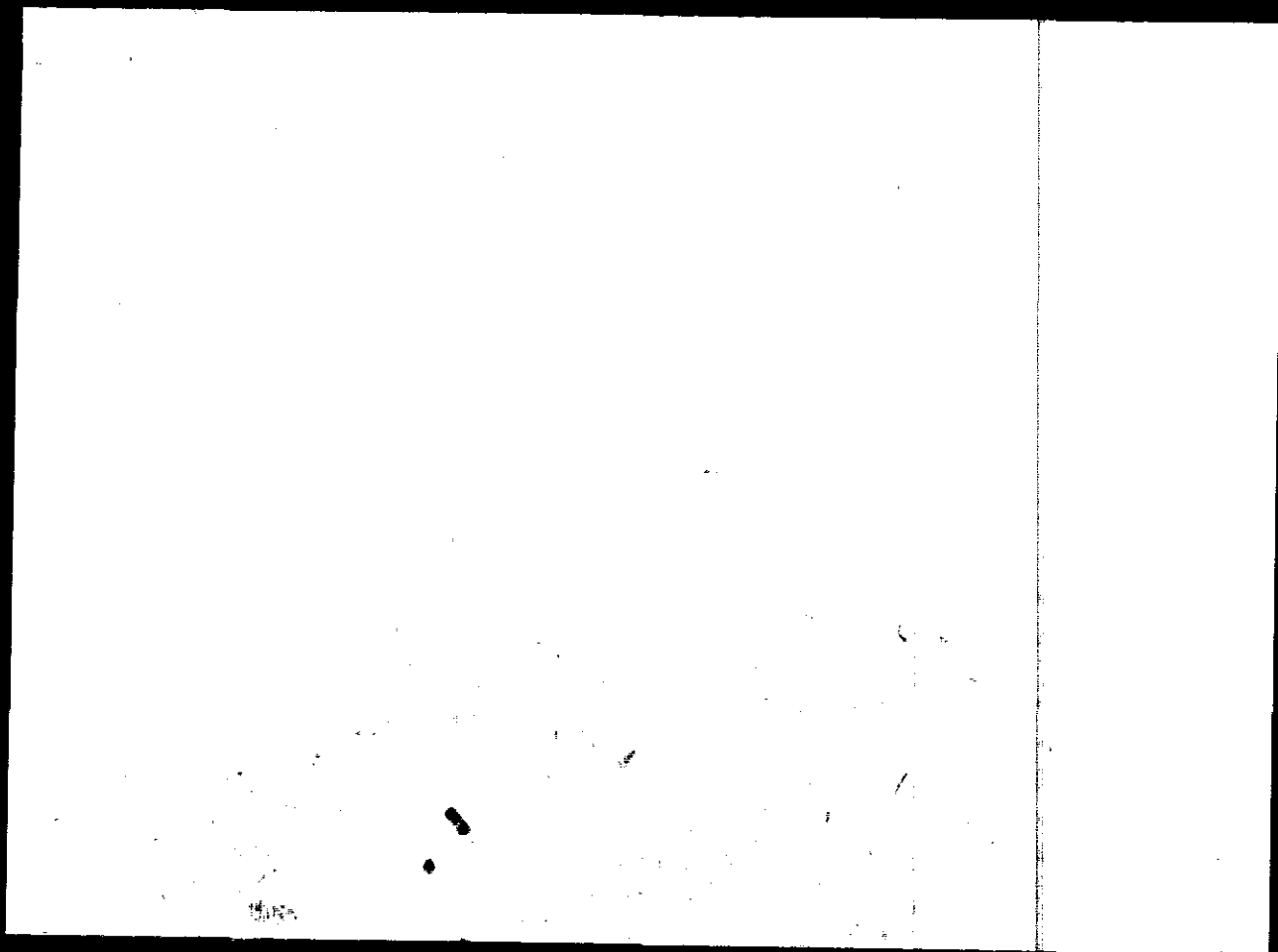
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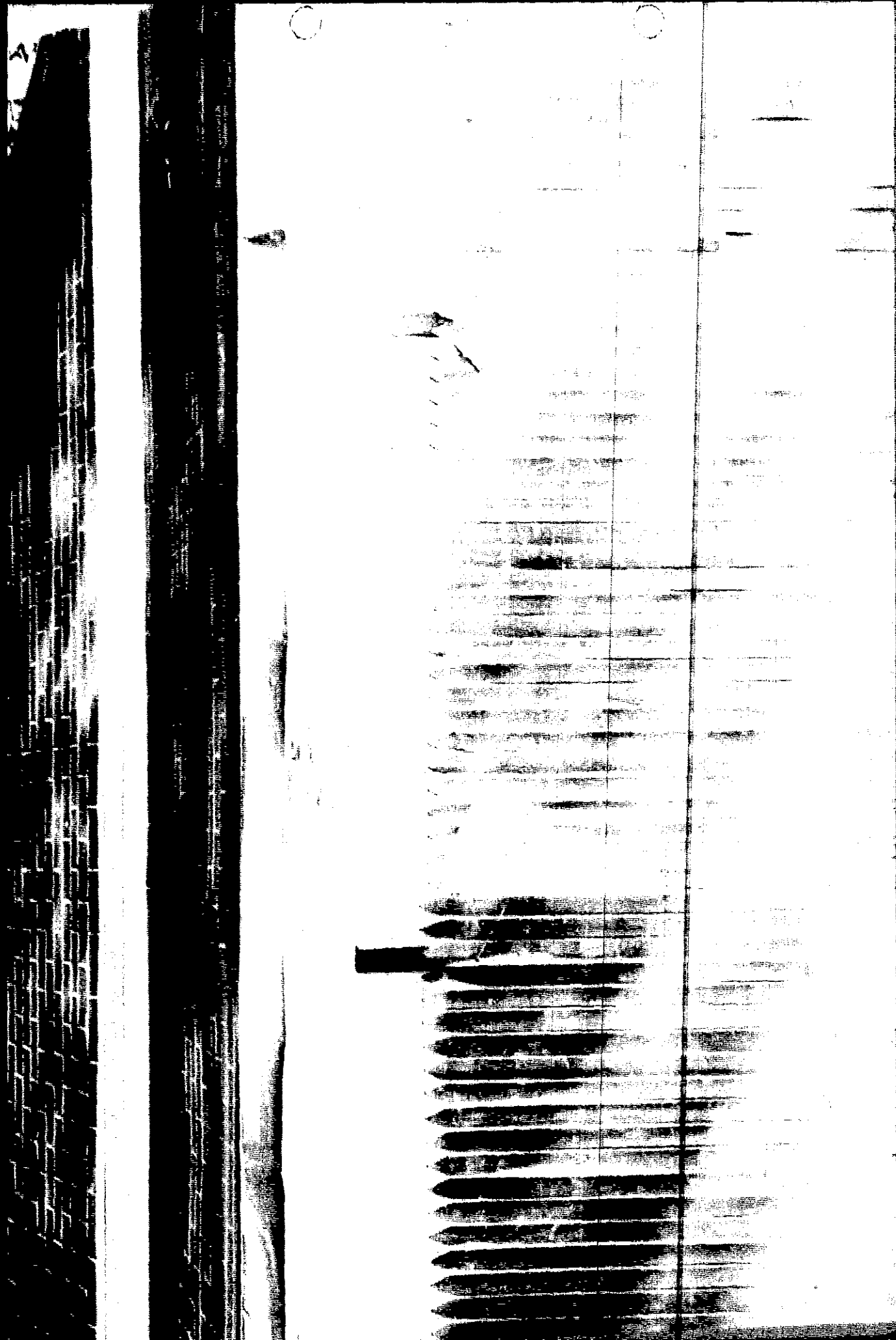












Verified
12/24/96
Sec
COT

Case No. 96-69-A

7/24/96

EXHIBITS

Protestants' Exhibits

- ✓ 1. Rule 8 documents - Villa Nova Community Association
- ✓ 2. Copy of Agreement between Chapman & Williams 6/24/95 (unsigned)
- ✓ 3. Decision of Zoning Commissioners Case No. 96-69-A
- ✓ 4. Photo - Garage with water
- ✓ 5. Photo - Front porch with water
- ✓ 6. Photo - Garage with rocks in front of it.
- ✓ 7. Photos a. Water standing in front of garage - crush + run
b. Williams' fence
c. Water being directed under Williams fence

Appellants' Exhibits

- ✓ 1. Exhibits A, B, C, D, E, F, G, I, J, K, L, M from Zoning Commissioners' hearing.
- ✓ 2. Photo - Garage and Williams' fence
- ✓ 3. Photos - Driveway of Chapman, side of Williams house
- ✓ 4. Photos - water running in front of garage
- ✓ 5. Photos - front part of house with water
- ✓ 6. Photos - pool in back of house
- ✓ 7. Photos - carport before erection of garage.
- ✓ 8. Photo
- ✓ 9. Photos - Cars
- ✓ 10. Photos - Garage, fence
- ✓ 11. Photos
- ✓ 12. Photos
- ✓ 13. Photos - damage to steps by rain
- ✓ 14. Photos - " caused by rain
- ✓ 15. Photos

10-4 916

IN THE MATTER OF
THE APPLICATION OF
LENORA JACKSON-CHAPMAN, ET AL
FOR VARIANCE ON PROPERTY
LOCATED ON THE NORTH SIDE OF
BUCKINGHAM ROAD, 615' SOUTH
OF CAMPFIELD ROAD
(4114 BUCKINGHAM ROAD)
3RD ELECTION DISTRICT
3RD COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 96-69-A

* * * * *

OPINION

This case comes to the Board of Appeals from the decision of the Zoning Commissioner to deny the Appellants' Petition for Variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations to permit a side yard setback of 0 feet for an attached garage and a sum of the side yard setbacks of 10 feet, in lieu of the minimum required 10 feet and 25 feet, respectively.

The Appellants, Lenora Jackson-Chapman and Barry Chapman, appeared and testified in their own behalf. Cynthia Williams, Richard Williams and Joan Alston appeared and testified as Protestants. Neither Appellants nor Protestants were represented by counsel.

Mrs. Jackson-Chapman testified that she and her husband, who have lived at the subject property for 10 years, decided to build an attached garage to their single family dwelling after a complaint was made to the county against them by a neighbor for keeping several cars in their back yard. She testified that they built the garage also as a safety measure to help block neighborhood children from getting into their back yard swimming pool and to help prevent thefts, as they had had two bicycles taken from their back yard a few years ago.

The garage was built on the side of the house adjacent to 4116 Buckingham Road, the home of Mr. and Mrs. Williams. An attached carport had existed at this location.

The Appellants did not initially obtain a building permit when they began construction of the garage but obtained one on July 12, 1995, after receiving a correction notice from the county on July 11, 1995. They received a second correction notice on July 25, 1995 for noncompliance with the permit and failure to observe setbacks (Appellants' Exhibit 1, E and I).

Mr. Williams testified that a swale between his house and the Appellants' house used to carry rainwater flowing down Buckingham Road to the rear of the two properties, but the subject garage was built over the swale and now acts as a dam, preventing the water from draining to the back. He testified that he did not notice any water problem until the garage created one.

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Mr. and Mrs. Chapman both denied that the garage had created any water problems, testifying that a drainage problem had always existed on their property. Mrs. Chapman testified that water collects on their property from half a block when it rains, and there is no drainage.

Mr. Williams further testified that according to measurements he took, the house and the Chapmans' house were formerly 16 feet apart, but that with the construction of the garage, which abuts or may even go over the property line, the houses are now only 8 feet apart. The Protestants presented as evidence a copy of an unsigned agreement dated June 24, 1995, which would grant the Chapmans a 1 1/2-foot easement of property between the Chapmans' and Williams' houses (Protestants' Exhibit 2). Testimony indicated that the Appellants asked Mr. and Mrs. Williams to sign the agreement, but they declined to do so.

Joan Alston, Zoning Chairman and representative for the Villa Nova Community Association, testified that the garage could pose a tremendous fire hazard, as there is only a distance of 8 feet between the Appellants' and the Williams' houses. She further testified that if the variance is allowed, it might reduce neighborhood property values.

The granting of variances is governed by Section 307.1 of the Baltimore County Zoning Regulations, which provides, in relevant part, that variances may be granted

only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance . . . would result in practical difficulty or unreasonable hardship.

The Court of Special Appeals, in Cromwell v. Ward, 102 Md. App. 691 (1995), has construed this regulation to mean that obtaining a variance is basically a two-step process. The first step requires a finding that the subject property is unique and unusual in a manner different from the nature of surrounding properties such that the uniqueness and peculiarity of the subject property causes the zoning provision to impact disproportionately upon that property. The second step requires a finding that denial of the requested variance would result in practical difficulty or unreasonable hardship.

When questioned by the Board, Mrs. Chapman stated that her property is 62 1/2 feet wide, and that some properties in the neighborhood are larger and some smaller. She said that the 50-foot frontage of her house was typical of houses in the neighborhood, and that the shape of her lot was not unusual. She testified that the elevation of her property was the lowest on the block, but

she admitted that flooding was not unique to her property.

Cromwell v. Ward states that "Unless there is a finding that the property is unique, unusual, or different, the process stops here and the variance is denied without any consideration of practical difficulty or unreasonable hardship."

This Board finds that the Appellants failed to present any testimony or evidence showing that their property was unique in such a manner that the side yard setback requirements would impact disproportionately on their property. Thus, the first step of the variance process was not met, and the practical difficulty or unreasonable hardship requirement cannot be properly considered.

However, even assuming, for the sake of argument, that the property meets the requirement of uniqueness, the Appellants failed to produce convincing evidence of practical difficulty or unreasonable hardship.

They argued that the need to comply with county regulations prohibiting the parking of their three valuable cars in their back yard placed a hardship upon them which necessitates relief through the granting of a variance for a garage. But Mr. Chapman stated on cross-examination that he never considered building a garage in the back yard, where a variance might not be needed.

More importantly, the Board finds that any hardship engendered by the ownership of three valuable cars, which the Appellants do not want to park on the street for various reasons, is a self-created hardship, which is not proper grounds for a variance.

The Appellants also argued that the garage helps block access to their back yard, thus helping to prevent back yard thefts and neighborhood children from getting into their pool. The Board finds that these are practical difficulties that can be addressed through conventional means such as adequate fencing and outdoor lighting and alarms, and do not qualify as practical difficulties sufficient for the granting of a variance for a garage.

For these reasons the Board will deny the Petition for Variance.

ORDER

IT IS THEREFORE this 4th day of October, 1996 by the
County Board of Appeals of Baltimore County

ORDERED that the Petition for Variance seeking relief from Section 1B02.3.C.1 of the

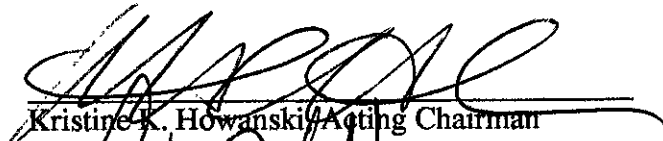
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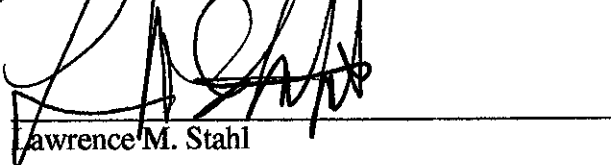
Baltimore County Zoning Regulations to allow a side yard setback of 0 feet, for an attached garage, and a sum of the side yard setbacks of 10 feet in lieu of the minimum required 10 feet and 25 feet respectively, be and is hereby **DENIED**; and it is further

ORDERED that the garage shall be removed within 120 days from the date of this Order or, if this Order is appealed, then within 120 days from when a final decision is rendered in this matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY


Kristine K. Howanski Acting Chairman


Lawrence M. Stahl


S. Diane Levero

RECORDED

CIRCUIT COURT FOR BALTIMORE COUNTY
Suzanne Mensh
Clerk of the Circuit Court
County Courts Building
401 Bosley Avenue
P.O. Box 6754
Towson, MD 21285-6754
(410)-887-2601, TTY for Deaf: (800)-735-2258

09/25/97

Case Number: 03-C-96-011216 AE
Date Filed: 11/01/96
Status: Closed/Active
Reference Number: 96-69-A
Judge Assigned: To Be Assigned,

In The Matter of: Lenora Jackson Chapman , et al

C A S E H I S T O R Y

OTHER REFERENCE NUMBERS

Description	Number
Reference Number	96-69-A

INVOLVED PARTIES

Type Num	Name(Last,First,Mid,Title)	Dispo	Entered
PET 001	Jackson Chapman, Lenora Attorney: 0006910 Cohen, Barry A 90 Painters Mill Road Suite 230 Owings Mills, MD 21117 (410)356-4500	CT DO	09/12/97 11/01/96
PET 002	Chapman, Barry Attorney: 0006910 Cohen, Barry A 90 Painters Mill Road Suite 230 Owings Mills, MD 21117 (410)356-4500	CT DO	09/12/97 11/01/96
ITP 001	Baltimore County Board Of Appeals Old Courthouse/Rom 49 400 Washington Avenue Towson, MD 21204	CT DO	09/12/97 11/01/96
ITP 002	Williams, Richard B 4116 Buckingham Rd Balto, MD 21207	CT DO	09/12/97 12/05/96

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Type	Num	Name(Last,First,Mid,Title)	Dispo	Entered
ITP	003	Williams, Richard B, Mrs 4116 Buckingham Rd Balto, MD 21207	CT D0	09/12/97 12/05/96
ITP	004	Villa Nova Community Association Inc Capacity : JJoan Alston,Chairman Attorney: 0012544 Tanczyn, Michael P Michael P. Tanczyn, P.A. Suite 106 606 Baltimore Avenue Baltimore, MD 21204 (410)296-8823	CT D0	09/12/97 12/05/96

CALENDAR EVENTS

Date	Time	Dur	Cer	Evnt	Jdg	L	Day	Of	Rslt	By	ResultDt	Jdg	T	Notice	Rec
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09/04/97	09:30A	002	yes	CIVI	TBA	D	01	/01	VAC	C	09/12/97		P		

JUDGE HISTORY

JUDGE ASSIGNED	Type	Assign	Date	Removal	RSN
TBA To Be Assigned,	J		11/01/96		

DOCUMENT TRACKING

Num/Seq	Description	Filed	Received	Party	Routed	Ruling	Closed	User ID
001000	Petition for Judicial Review Case No. 96-69-A.	11/01/96		TBA	PET001		09/12/97	DA LG
001001	Answer and Mrs. Williams	12/09/96	12/05/96	TBA	ITP002		09/12/97	PH LG
001002	Answer in Proper Person	12/09/96	12/05/96	TBA	ITP004		09/12/97	PH LG
002000	Request for Jury Trial	11/01/96		TBA	PET001			DA DA
003000	Certificate Of Notice	11/12/96	11/07/96	TBA	000		09/12/97	JH LG
004000	Motion to extend time limits for memorandum of law and to transcribe the record with Order of Court extending the time for the Clerk of the District Court for	01/02/97		BEC	PET001	Granted	01/02/97	AS AS

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Baltimore County to 60 days, etc., fd.

Num/Seq	Description	Filed	Received	Party	Routed	Ruling	Closed	User ID
005000	Waiver of Jury Trial Entry of 11/1/96 Request for Jury Trial filed in error.	02/14/97		TBA	PET001		09/12/97	DA LG
006000	Notice of Appeal Sent	03/05/97	03/05/97	TBA	ITP001	03/05/97	03/05/97	JH JH
007000	Notice of Appeal Sent	03/05/97	03/05/97	TBA	ITP002	03/05/97	03/05/97	JH JH
008000	Notice of Appeal Sent	03/05/97	03/05/97	TBA	ITP003	03/05/97	03/05/97	JH JH
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011000	Notice of Appeal Sent	03/05/97	03/05/97	TBA	PET002	03/05/97	03/05/97	JH JH
012000	Transcript of Record from Adm Agency **	03/05/97	03/04/97	TBA	000		09/12/97	JH LG
013000	Notice - Recpt of Record of Proceedings ** copies sent.	03/05/97	03/04/97	TBA	000		09/12/97	JH LG
014000	Memorandum of law Filed by PET001-Jackson Chapman, Lenora, PET002-Chapman, Barry	04/02/97	03/31/97	TBA	PET001		04/02/97	PH PH
015000	Scheduling Order	04/07/97	04/07/97	TBA	000	04/07/97	04/07/97	JD JD
016000	Memorandum Of Law	05/16/97	05/15/97	TBA	ITP004		05/16/97	CB CB
017000	Scheduling Order	06/20/97	06/20/97	TBA	000	06/20/97	06/20/97	JD JD
018000	Scheduling Order	07/23/97	07/23/97	TBA	000	07/23/97	07/23/97	JD JD
019000	**Attorney Appearance Filed entering the appearance of Barry A Cohen for Lenora Jackson-Chapman and Barry Chapman. Filed by PET001-Jackson Chapman, Lenora, PET002-Chapman, Barry	09/03/97	09/03/97	TBA	PET001		09/03/97	CB CB
020000	Open Court Proceeding September 4, 1997 - Hon. Dana M. Levitz. Hearing had. Opinion to be filed.	09/04/97		DML	000		09/12/97	DF LG
021000	Opinion of the Court Affirming Descision	09/12/97		DML	000	Ruled	09/12/97	LG LG
022000	Invoice #5635 sent to Barry Cohen	09/16/97		TBA	000			LG LG
023000	sent docket entries to Board of Appeals	09/19/97		TBA	000			LC LC

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TICKLE

Code Tickle Name	Status Expires	#Days	AutoExpire	GoAhead	From Type
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1ANS 1st Answer Tickle	CLOSED 12/05/96	0	no	no	DANS D
SLTR Set List For Trial	DONE 12/05/96	0	yes	yes	1ANS T
SLMR Set List For Motions	CANCEL 01/24/97	22	no	no	MEXT D
SLTR Set List For Trial	CANCEL 07/14/97	0	yes	no	CIVI S
SLIL Set List - Informati	CLOSED 09/03/97	0	no	no	DAAF D
EXPU Exhibit Pickup Notic	OPEN 11/11/97	30	no	no	

EXHIBITS

Line #	Marked	Code Description	SpH Sloc	NoticeDt	Disp Dt	Dis By
Offered By: ITP 001 Baltimore County Board Of App						
000		B BOX 488 ZOANING EX		B		

DIFFERENTIATED CASE MANAGEMENT
TRACKS AND MILESTONES

Track : R1 Description: EXPEDITED APPEAL TRACK Custom: Yes
Assign Date: 04/07/97 Order Date : 07/23/97
Start Date : 04/07/97 Remove Date:

Milestone	Scheduled	Target	Actual	Status
Motions to Dismiss under MD. Rule 2-322(04/22/97	09/12/97	CLOSED	
TRIAL DATE is	09/04/97	07/06/97	09/12/97	CLOSED
All Motions (excluding Motions in Limine	07/26/97	09/12/97	CLOSED	

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SEP 25 1997

9/10/97

IN THE MATTER OF CHAPMAN

Petitioner

v.

THE BALTIMORE COUNTY
BOARD OF APPEALS

Respondent

IN THE

CIRCUIT COURT

FOR

BALTIMORE COUNTY

96-C-11216

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COUNTY BOARD OF APPEALS

97 SEP 22 PM 1:28

Opinion

This matter came before the Court on September 4, 1997, on Petitioner's appeal from the Baltimore County Board of Appeal's decision affirming the Baltimore County Zoning Commission's denial of a variance. The variance sought was a side yard of 0 feet for an attached garage and a sum of the side yard setbacks of 10 feet, in lieu of the minimum required 10 and 25 foot, respectively, required.

The Court has reviewed the file, read the transcript and heard oral argument from all interested parties. In reviewing the final decision of an administrative agency, the Court determines only the legality of the decision and whether there was "substantial evidence" from the record as a whole to support the decision. Board of Education, Montgomery County v. Paynter, 303 Md. 22, 35, 491 A.2d 1186, 1192 (1985). The Court may reverse or modify an administrative decision if a substantial right of the appellant has been prejudiced because a finding, conclusion or decision of the agency: (i) is unconstitutional; (ii) exceeds the statutory authority or jurisdiction of the agency; (iii) results from an unlawful procedure; (iv) is affected by other error of law; (v) is unsupported by competent, material and substantial evidence in light of the entire record as submitted; or (vi) is arbitrary or capricious. Md. Code Ann., State Gov't § 10-

222(h)(3). The "reviewing court must defer to an agency's factual findings and inferences that are supported by substantial evidence." Karwacki v. Motor Vehicle Administration, 340 Md. 271, 280, 666 A.2d 511, 515 (1995). Substantial evidence means "such relevant evidence as a reasonable mind might accept as adequate to support a conclusion." Id. (quoting Caucus Distributors, Inc. v. Maryland Securities Commissioner, 320 Md. 313, 324, 577 A.2d 783, 788 (1990)).

Furthermore under Cromwell v. Ward, 102 Md. App. 691, 651 A.2d 424 (1995), the Court of Special Appeals construed the Baltimore County Zoning Regulations regarding obtaining variances as a two-step process. The Circuit Court adopts the analysis by the Board of Appeals, which stated:

The first step requires a finding that the subject property is unique and unusual in a manner different from the nature of surrounding properties such that the uniqueness and peculiarity of the subject property causes the zoning provision to impact disproportionately upon that property. The second step requires a finding that denial of the requested variance would result in practical difficulty or reasonable hardship.

Applying Cromwell, the Baltimore County Zoning Commission found that the garage, as and where constructed, detrimentally affects the adjacent property. Additionally, the Zoning Commissioner did not find the testimony persuasive that the property is unique or that there is a practical difficulty warranting such a variance. Therefore, the variance was denied and the Petitioner was ordered to remove the garage within 120 days from when a final decision is rendered.

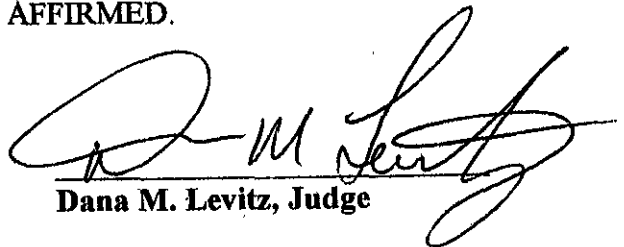
Petitioner appealed the Zoning Commission's finding and, on October 4, 1996, the Baltimore County Board of Appeals affirmed the decision below. The Board of Appeals found

that the record below contained the facts necessary to support the Commission's decision.

It is from this ruling that Petitioner appeals. Petitioner raises the following six (6) issues on appeal: (i) the Board's decision is arbitrary and capricious; (ii) the Board's decision was made against public policy and does not promote the general welfare of the petitioners who are taxpayers of Baltimore County; (iii) the Board had no compelling interest to deny the variance; (iv) the Petitioner's constitutional rights (14th Amendment of the United States Constitution) were violated; and (v) the Board's decision was not supported by the facts on the record below.

The Court did not address the constitutional issues as it was not brought up in the Board's hearing. Furthermore, the Court finds ample facts in the transcripts of both records below to support the Board of Appeals decision to affirm the Zoning Commission's determination in this matter. As such, the decision of the Baltimore County Board of Appeals, that the record below (the transcript of the hearing before the Baltimore County Zoning Commission) contained the facts necessary to support the Commission's decision, is **AFFIRMED**.

Date: 9/10/97


Dana M. Levitz, Judge

cc: Michael P. Tanczyn, Esquire
Barry Cohen, Esquire

3)The Petitioners are meeting with Attorney Barry Cohen at 1:00 P.M. on 7-11-97 to retain counsel but he also has a conflict with the scheduled date. *Have retained counsel.*

4)The matter before the Court is not causing inconvenience or harm to the parties of the Villa Nova Community Association. They are granted an Attorney by the County and we should be allowed to enjoy the same due process.

5)The Petitioners are experiencing a hardship, which qualifies as an emergency.

Wherefore the Petitioners pray that the motion to request a postponement be granted and such other relief be granted as the nature of this petition may require.

Lenora Jackson Chapman
LENORA JACKSON-CHAPMAN, PRO SE

Barry Chapman
BARRY CHAPMAN, PRO SE

CERTIFICATE OF SERVICE

We hereby certify that a copy of this motion to request a postponement was mailed postage prepaid to Mr. and Mrs Richard Williams 4116 Buckingham Road Baltimore, Maryland 21207, County Board of Appeals, Baltimore County at the Old Courthouse Room 49, 400 Washington Ave. Towson, Maryland 21204 c/o Kristine Howanski, Lawrence Stahl and S. Diane Levero, and Attorney Michael Tanzcyn at 606 Baltimore Ave. Suite 106 Towson, Maryland 21204. Faxed to Attorney Tanzcyn 410-296-8827.

5/15/97

IN THE PETITION OF
LENORA JACKSON-CHAPMAN
and BARRY CHAPMAN
4114 Buckingham Road
Baltimore, Maryland, 21207

FOR JUDICIAL REVIEW OF
THE DECISION OF THE
County Board of Appeals of
Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland, 21204

Appellants

v.

VILLA NOVA COMMUNITY
ASSOCIATION, INC.

Appellees

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY

Case No. 03-C-96-011216

* * * * *

APPELLEE'S MEMORANDUM OF LAW

NOW COMES, Villa Nova Community Association, Inc., Appellee, by its attorney, Michael P. Tanczyn, Esq., and pursuant to Maryland Rule 7-207 files herewith the enclosed Memorandum of Law.

CASE BACKGROUND

Appellants, Lenora Jackson-Chapman and Barry Chapman, owners of a residence located at 4114 Buckingham Road, Baltimore, Maryland, 21207, after constructing a garage attached to their premises, belatedly filed a Petition to obtain a necessary Variance

on August 25, 1995. The Variance sought was a side yard of 0 feet in lieu of the required distance for an attached garage and another Variance for a sum of side yard setbacks of 10 feet in lieu of the minimum 10 and 25 foot, respectively, required.

By Decision on December 15, 1995 the Zoning Commissioner denied the Petition for Variance and Ordered that the garage be removed within 120 days. The owner/Petitioners appealed that Decision on January 11, 1996 to the County Board of Appeals of Baltimore County.

The County Board of Appeals of Baltimore County heard the Petitioner's case on July 24, 1996 and by Decision October 4, 1996 denied the Variance request and Ordered that the garage be removed within 120 days. Petitioners filed a Petition for Judicial Review thereafter, and Villa Nova Community Association, Inc., a participant below, filed a response noting its intent to participate in these proceedings.

QUESTIONS PRESENTED

1. Whether the Decision of the County Board of Appeals denying the requested Variances was based on substantial evidence and fairly debatable, and thus, must be upheld on review?

2. Whether the Petitioners met their burden to show uniqueness and all of the other requirements to obtain a Variance under Baltimore County Zoning Regulations, Section 307?

STATEMENT OF FACTS

Petitioners, Lenora Jackson-Chapman and Barry Chapman, who owned a residence at 4114 Buckingham Road, Baltimore County, Maryland, 21207, built an attached garage to their residence in violation of Baltimore County setback requirements. After building the garage they belatedly filed a Petition for Variance which was opposed by their neighbors and the community association and was denied by both the Zoning Commissioner for Baltimore County and by the County Board of Appeals for Baltimore County on de novo review.

ARGUMENT

- I. THE DECISION OF THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY WAS BASED ON SUBSTANTIAL EVIDENCE AND FAIRLY DEBATABLE AND THUS MUST BE UPHELD ON REVIEW.

The Court of Special Appeals recently held that "[t]he order of a county zoning authority 'must be upheld on review if it is not premised upon an error of law and if [itw] conclusions reasonably may be based upon the facts proven.'" (emphasis added). Evans v. Shore Communications, 112 Md.App. 284, 298 (1996); (quoting Umberly v. People's Counsel, 108 Md.App. 4978, 672 A.2d 173, cert. denied, 342 Md. 584, 678 A.2d 1049 (1996)). Additionally, it held:

...the action of the zoning authority is "fairly debatable" if based on substantial evidence; and that the fairly debatable test "accords with the general standard for judicial review of the ruling of an administrative agency, which [is] defined as whether a reasoning mind reasonably could have reached the factual conclusion the agency reached; this need not and must not be either judicial fact-finding or a substitution of judicial

judgment for agency judgment. (Citations omitted). Id.

Further, the standard of review requires the following three-step analysis:

1. First, the reviewing court must determine whether the agency recognized and applied the correct principles of law governing the case. The reviewing court is not constrained to affirm the agency where its order "is premised solely upon an erroneous conclusion of law."

2. Once it is determined that the agency did not err in its determination or interpretation of the applicable law, the reviewing court next examines the agency's factual findings to determine if they are supported by substantial evidence; i.e., by such relevant evidence as a reasonable mind might accept as adequate to support a conclusion...

3. Finally, the reviewing court must examine how the agency applied the law to the facts. This, of course, is a judgmental process involving a mixed question of law and fact, and great deference must be accorded to the agency. The test of appellate review of this function 'is whether a reasoning mind could reasonably have reached the conclusion reached by the [agency], consistent with a proper application of the [controlling legal principles]. Id.

First, the order of the County Board of Appeals of Baltimore County (hereinafter referred to as the "Board") was not premised upon an error of law, nor does the Appellant so argue.

Additionally, the conclusions of the Board were reasonably based upon the facts proven. The Board concluded that the Petitioners failed to prove the property was unique under Cromwell v. Ward, 102 Md.App. 691, 651 A.2d 424 (1995).

II. THE PETITIONERS FAILED TO SHOW THAT THEIR PROPERTY WAS UNIQUE OR TO MEET THE WRITTEN REQUIREMENTS UNDER SECTION 307, BALTIMORE COUNTY ZONING REGULATIONS.

Cromwell v. Ward first holds, at page 428, that the claimed uniqueness on a particular property must be compared to other properties within the district or the platted subdivision to see if the ordinance impacts Petitioners' property in a way different from other properties located within the platted subdivision.

In considering the uniqueness of a property the Cromwell Court opined, at page 430, that,

"The general rule is that the authority to grant a variance should be exercised sparingly and only under exceptional circumstances." Quoting with approval A. Rathkopf, 3 The Law of Zoning and Planning, Section 38 (1979).

In that same section the Cromwell Court in tracing the history of prior variance decision, at page 431, notes:

"[I]t was incumbent upon the Marinos to have shown . . . (ii) that the difficulties or hardships were peculiar to the property in question in contrast with those of other property owners in the same district, and (iii) that the hardship was not the result of the applicants' own actions." Quoting Marino v. Mayor and City Council of Baltimore, 215 Md. 206, at 218, 137 A.2d 198 (1957) (emphasis added), and Salisbury Board of Zoning Appeals v. Bounds, 240 Md. 547, 214 A.2d 810 (1965).

Further in the Cromwell v. Ward historical tracing of variance decisions, at page 433, the Court notes the sludge storage case of AD + Soil, Inc. v. County Commissioners. The Court there said, at page 433,

". . . The Court of Appeals noted that the trial court, in affirming the agency's denial of a variance, agreed that 'the only hardships facing Ad + Soil were of its own making'. 307 Md. at 317, 513 A.2d 893 (1986).

In another zoning case involving Variances from Baltimore County, Red Roof Inns, Inc. v. People's Counsel, 96 Md.App. 219, 624 A.2d 1281 (1993), notes at page 434 that,

" . . . 'Uniqueness' of a property for zoning purposes requires that the subject property have an inherent characteristic not shared by other properties in the area. . . ."

Further in Cromwell, at page 435, quoting with approval decisions in accord outside the State of Maryland, as follows:

"In Walkingstick v. Board of Adjustment, 706 P.2d 899 (Okla.1985), the zoning board, having failed to comply with notice requirements, granted a permit for an oil drilling well. Amoco had expended considerable sums before the board's omission was discovered. The relevant part of the ordinance involved was similar to the one in the instant case. After the court noted that the hardships alleged were not peculiar to the subject site, it stated the general rule that 'a hardship created by the owner . . . constitutes no valid basis for a variance . . . [D]eprivation of an advantage does not constitute an unnecessary hardship.' 706 P.2d at 904. It concluded:

The need to expose tools to the ravages of the environment may be peculiar to Amoco. But, the language of section 44-107(2) [as does the language in the Baltimore County ordinance] clearly refers to conditions peculiar to the property, *not to activities peculiar to the owner of such property.* at 904-05 (emphasis added)."

The Court of Special Appeals noted at page 436 of Cromwell that,

"Hardship is not demonstrated by economic loss alone. It must be tied to the special circumstances, none of which have been proven here. Every person requesting a variance can indicate some economic loss. To allow a variance any time any economic loss is alleged would make a mockery of the zoning program. Further the Zanthos[es] brought their losses upon themselves (emphasis added) The application affirmatively alleged . . . that no dwelling existed"

In like accord, the Cromwell court at page 437 quotes a Maine case in accord as follows:

"In Sibley v. Inhabitants of the Town of Wells, 462 A.2d 27, at 30-31 (1983), the Supreme Judicial Court of Maine upheld the denial of a variance, holding:

[T]he need of a variance [must be] due to the unique circumstances of the property and not to the general conditions in the neighborhood;

. . . [T]he hardship [must] not [be] the result of actions taken by the appellant or a prior owner.

. . . However, the mere fact that the lot is substandard is not a unique circumstance; all the undeveloped lots in that neighborhood are of substandard size . . .

. . . However, when a landowner purchases land with actual or constructive knowledge of the zoning restrictions, he may not be granted a variance on the grounds of undue hardship."

The Petitioners did not produce any evidence from which the Board could reasonably conclude that:

A. The property was unique;

B. Any practical difficulty or any unreasonable hardship was anything other than the result of their own actions.

In this Chapman case the earlier development actions of the Petitioner are the actions which caused the necessity of a request for a variance which the Cromwell court at page 439, again quoting Marino v. Mayor and City Council of Baltimore, 215 Md. 206, 137 A.2d 198, and Pollard v. Zoning Board of Appeals, 186 Conn. 32, 438 A.2d 1186 (1982), notes ". . . is never considered proper

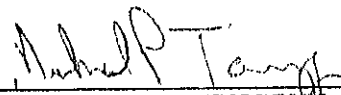
grounds for a variance."

Other authority of earlier decisions not previously cited standing for the same proposition that requested variances cannot be approved on the basis to afford a property owner a special privilege are Gleason v. Keswick Improvement Association, Inc., 197 Md. 46, 78 A.2d 164 (1951); Easter v. Mayor and City Council of Baltimore, 195 Md. 395, 73 A.2d 491 (1950); Carney v. City of Baltimore, 201 Md. 130, 93 A.2d 74 (1953); and Umerley v. People's Counsel for Baltimore County, 108 Md.App. 497, 672 A.2d 173, Cert. Denied 342 Md. 584, 678 A.2d 1049.

CONCLUSION

In conclusion, the Appellees/Protestants respectfully request that Circuit Court for Baltimore County affirm the County Board of Appeals.

Respectfully Submitted,


MICHAEL P. TANCZYN, ESQ.
606 Baltimore Avenue, Suite 106
Towson, Maryland, 21204
Telephone: (410) 296-8823
Attorney for the Appellees

I HEREBY CERTIFY that, on this 15th day of May, 1997, a copy of the foregoing was mailed, postage prepaid, to Lenora Jackson-Chapman and Barry Chapman, Appellants, at 4114 Buckingham Road, Baltimore, Maryland, 21207; and to the County Board of Appeals for Baltimore County, Old Courthouse, Room 49, 400 Washington Avenue, Towson, Maryland, 21204.


MICHAEL P. TANCZYN, ESQ.

Law Offices
MICHAEL P. TANCZYN, P.A.

Suite 106, 606 Baltimore Avenue
Towson, Maryland 21204
(410) 296-8823 - (410) 296-8824
Fax: (410) 296-8827
Computer Fax: (410) 296-2848

May 15, 1997

Civil Clerk
Baltimore County Circuit Court
County Courts Building
401 Bosley Avenue
Towson, MD 21204

RECEIVED
COUNTY BOARD OF APPEALS
97 MAY 16 AM 11:51

Re: In Re: Lenora Jackson-Chapman and Barry Chapman
Circuit Court Case Number 03-C-96-011216

Dear Madam Clerk:

Enclosed herewith please find Appellee's Memorandum of Law which we would request you file in the above matter.

Thank you for your assistance in this regard.

Very truly yours,


Michael P. Tanczyn

MPT/ed
Enclosure

cc: Lenora Jackson-Chapman and Barry Chapman
County Board of Appeals for Baltimore County
Villa Nova Community Association, Inc.

3/31/97

In the Circuit Court for Baltimore County
Petition of

Lenora Jackson-Chapman
Barry Chapman
4114 Buckingham Road
Baltimore, Maryland 21207

For Judicial Review of
The Decision of The

County Board of Appeals of Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204
Case Number 03-c-96-011216

Memorandum of Law

To The Honorable Judge of Said Court:

Now comes Lenora Jackson-Chapman and Barry Chapman hereby filing this Memorandum of Law.

Questions Presented

- I. Whether Baltimore County violated the Petitioners Constitutional Rights; by depriving them of a variance to protect their property from damage, loss of property, loss of property value and foreseeable damage?
- II. Did the Baltimore County Board of Appeals have to have a compelling governmental interest to deny the Petitioners variance?
- III. Did the Baltimore County Board of Appeals make an illegal decision?
- IV. Did the Baltimore County Board of Appeals know that the tapes of the first hearing before Commissioner Schmidt were not audible?

RECEIVED AND FILED

97 MAR 31 PM 3:10

CLERK OF COURT
BALTIMORE COUNTY

- V. Did the Baltimore County Board of Appeals know that the property known as 4112 Buckingham Road and other properties were built with or without a permit and all county residents are not being held to the same standard of zoning regulation?
- VI. Did the Baltimore County Board of Appeals know that the Chapman's were harassed and threatened and that the County has recently pulled a permit applied for almost a year ago; after it was granted?
- I. The County did, in fact violate the Petitioner's Constitutional rights. the County is furthering its attempt to deprive them of their property interest in the said garage.

Constitutional Provisions

Statutes and Regulations

- Section I. Due process clause, Fourteenth Amendment, specifically states no state shall make or enforce any law which shall abridge the privileges or immunities of citizens or citizens of the United States, nor shall any state deprive any person of life, liberty and property, nor deny any person within its jurisdiction the equal protection of the laws. Furthermore a property owner has the absolute right to protect their property from ongoing damage and foreseeable damage loss of property. By the county prohibiting Petitioners from exercising this right, by denying the variance, they are propounding losses that will surely occur. Petitioners are entitled to quiet enjoyment of their property.

42 U.S.C. Section 1983

Every person who under color of any statute, ordinance, regulation, custom or usage, of any state or territory, that subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges or immunities secured by the constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress. Moreover the property was appraised at \$119,000 and a loss of equity in the home will be another loss and burden propounded on the Petitioners. Also the county collects taxes on the property, but it is refusing to grant a variance and propound the gradual wearing away of the land by means of water. It is not impossible to believe that the county would be responsible for the excessive flow of water, for there are no public drains directing the flow of water off the even side of the street.

- II. The Baltimore County Board of Appeals had no compelling governmental interest to deny the Petitioners variance. The Board stated that they relied on the decision made in the Cromwell V. Ward 102, Md App.691 (1995) for their decision. Our case involves a set of circumstances under law on variance in Maryland and under Baltimore County's charter and ordinance, property's peculiar characteristics or unusual circumstances relating only and uniquely to that property must in conjunction with ordinances more severe impact on specific property's uniqueness before any consideration will be given to whether requisite practical difficulty or unnecessary hardships exists. code 1957, Art. 66B 7.03 Baltimore,


Md Zoning Ordinance 307. Moreover the property known as 4114 Buckingham Road meets the requirements for a variance being granted for the following reasons:

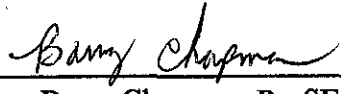
- 1.) The property sits lower than other properties and is located in the middle of the block
- 2.) Water is so excessive that you can't enter the home from the front door
- 3.) To protect from theft
- 4.) To control entrance to the pool area
- 5.) To secure a safe entrance to property
- 6.) To protect from continual deterioration from excessive water

- III. The Baltimore County Board of Appeals made an illegal decision. The circumstances surrounding the entire case was done for malicious reasons from only a couple of neighbors on the block. We had the support of the residents in the block. There was no opposition to the garage at all. Prior to the garage being built, one neighbor complained about cars being in the rear yard. The reason the Board made an illegal decision is because the reasons for the protesting were not legitimate reasons.
- IV. The tapes from the first hearing before Zoning Commissioner Lawrence Schmidt were not audible. He didn't mention numerous evidentiary material offered by testimony and exhibits. So the question that presents itself is did he rely on his memory of hearing to make his decision.
- V. The property known as 4112 and other properties in the Villa Nova Area have garages that were built with or without permits and they have not been required to adhere to the side set back requirements.
- VI. The Chapman's were harassed and threatened by members of the community, in which one community member came to the Chapman's home, and stated that he was going to personally see to it that the garage comes down. This is a direct violation of the Federal Harassment U.S.C.A 1514 (e.) and the 1964 Civil Rights Act. Furthermore the Chapman's are victims of disparate treatment by Baltimore County Zoning and Baltimore County Board of Appeals, because other members of the community with garages built are not being held to the same standard or made to adhere to the same zoning regulations.

Moreover the most recent action that Baltimore County has taken against us was pulling a permit to build a pantry and patio which is totally unrelated to the variance. The permit was applied for almost a year ago.

Wherefore we pray that the decision made by the Baltimore County Board of Appeals be reversed in order to grant the Petitioners variance and such other relief as the nature of this petition may require.


Lenora Jackson-Chapman, ProSE


Barry Chapman, ProSE

Certificate of Service

We hereby certify that copies of the Memorandum of Law was sent postage prepaid on 3-31-97 to Mr. and Mrs. Williams 4116 Buckingham Road, Baltimore, MD 21207 and to Kristine K. Howanski, Lawrence Stahl and S. Diane Levero at the Baltimore County Board of Appeals, Room 49, Old Courthouse, 400 Washington Avenue, Towson, MD 21204.

Lenora Jackson-Chapman, ProSE



Barry Chapman, ProSE

3/4/97

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY

PETITION OF LENORA JACKSON-CHAPMAN
BARRY CHAPMAN
4114 BUCKINGHAM ROAD
BALTIMORE, MARYLAND 21207

FOR JUDICIAL REVIEW OF THE DECISION OF
THE COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY
Room 49, Old Courthouse, 400 Washing-
ton Avenue, Towson, MD 21204

*
*
*
*
* CIVIL
ACTION
* No. 3-C-96-11216
*
*

IN THE CASE OF: IN THE MATTER OF THE
APPLICATION OF
LENORA JACKSON-CHAPMAN, ET AL
FOR VARIANCE ON PROPERTY LOCATED
ON THE NORTH SIDE OF BUCKINGHAM ROAD,
615' SOUTH OF CAMPFIELD ROAD
(4114 BUCKINGHAM ROAD)
3RD ELECTION DISTRICT
3RD COUNCILMANIC DISTRICT
CASE NO. 96-69-A
* * * * *

PROCEEDINGS BEFORE THE ZONING COMMISSIONER
AND THE BOARD OF APPEALS OF BALTIMORE COUNTY

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now come Kristine K. Howanski, Lawrence M. Stahl, and S.
Diane Levero, constituting the County Board of Appeals of Baltimore
County, and in answer to the Petition for Judicial Review directed
against them in this case, herewith return the record of
proceedings had in the above-entitled matter, consisting of the
following certified copies or original papers on file in the
Department of Permits and Development Management and the Board of
Appeals of Baltimore County:

ENTRIES FROM THE DOCKET OF THE BOARD OF APPEALS AND
DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
OF BALTIMORE COUNTY

No. 96-69-A

August 25, 1995 Petition for Administrative Variance filed by
RECEIVED AND FILED Lenora Jackson-Chapman and Barry Chapman, to
allow a side yard setback of zero feet (for an
97 MAR -4 PM 3:44 attached garage) and a sum of side yard
setbacks of 10 ft. in lieu of the minimum
required 10 ft. and 25 ft. respectively.
CLERK OF THE CIRCUIT COURT
BALTIMORE COUNTY

September 15

ZAC Comments.

September 18, 1995	Request for hearing filed by the Villa Nova Community Association, Inc.
September 25	Certificate of Posting of property.
September 28	Publication in newspapers.
October 18	Hearing held on Petition by the Zoning Commissioner.
December 15	Order of the Zoning Commissioner in which Petition for Variance was DENIED; garage shall be removed within 120 days of the date of this order.
January 11, 1996	Notice of Appeal filed by Lenora Jackson Chapman and Barry Chapman.
July 24	Hearing before the Board of Appeals. Deliberation conducted by the Board at the conclusion of the hearing.
October 4	Opinion and Order of the Board in which the Petition for Variance was DENIED; Garage shall be removed within 120 days of the date of this order.
November 1	Petition for Judicial Review filed in the Circuit Court for Baltimore County by Lenora Jackson-Chapman and Barry Chapman.
November 6	Copy of Petition for Judicial Review received by the Board of Appeals from the Circuit Court for Baltimore County.
November 7	Certificate of Notice sent to interested parties.
January 2, 1997	Motion to Extend time limits for Memorandum of Law and to Transcribe the Record filed by Petitioners. Motion GRANTED to extend the limits 60 days (March 7, 1997) by Judge Cadigan.
March 4, 1997	Transcript of testimony filed.

Appellants' Exhibits No. 1-Exhibits A, B, C, D, E, F, G, I, J, K, L, M from Zoning Commissioner's hearing
2-Photo -Garage and Williams' fence
3-Photos -Driveway of Chapmans, side of Williams house
4-Photos -water running in front of garage
5-Photos -front part of house with water
6-Photos -pool in back of house


- 7-Photos -Carport before erection of garage
- 8-Photo
- 9-Photos -Cars
- 10-Photos -Garage, fence
- 11-Photos
- 12-Photos
- 13-Photos -damage to steps by rain
- 14-Photos -damage caused by rain
- 15-Photos

Protestants' Exhibits No. 1-Rule 8 documents - Villa Nova Community Association
2-Copy of Agreement between Chapman & Williams 6/24/95 (unsigned)
3-Decision of Zoning Commissioner Case No. 96-69-A
4-Photo -Garage with water
5-Photo -Front porch with water
6-Photo -Garage with rocks in front of it
7-Photos -a. Water standing in front of garage -crush & run
b. Williams' fence
c. Water being directed under Williams fence

March 4, 1997 Record of Proceedings filed in the Circuit Court for Baltimore County

Record of Proceedings pursuant to which said Order was entered and upon which said Board acted are hereby forwarded to the Court, together with exhibits entered into evidence before the Board.

Respectfully submitted,


Charlotte E. Radcliffe, Legal Secretary
County Board of Appeals of Baltimore
County, Room 49, Basement - Old Courthouse
400 Washington Avenue
Towson, MD 21204 (410) 887-3180

cc: Mrs. Lenora Jackson-Chapman
and Mr. Barry Chapman
Mr. and Mrs. Richard B. Williams
People's Counsel for Baltimore County
Virginia W. Barnhart, County Attorney

CIRCUIT COURT FOR BALTIMORE COUNTY
Suzanne Mensh
Clerk of the Circuit Court
County Courts Building
401 Bosley Avenue
P.O. Box 6754
Towson, MD 21285-6754
(410)-887-2601, TTY for Deaf: (800)-735-2258

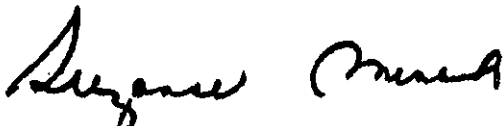
N O T I C E O F R E C O R D

Case Number: 03-C-96-011216
Old Case number:
C I V I L 96-69-A

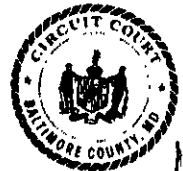
In The Matter of: Lenora Jackson Chapman, et al

Notice

Pursuant to Maryland Rule 7-206(e), you are advised that the Record of Proceedings was filed on the 4th day of March, 1997.



Suzanne Mensh
Clerk of the Circuit Court, per _____



JH

Date issued: 03/05/97

TO: BALTIMORE COUNTY BOARD OF APPEALS
Old Courthouse/Rom 49
400 Washington Avenue
Towson, MD 21204

12/27/96

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY
PETITION OF

LENORA JACKSON-CHAPMAN
BARRY CHAPMAN
4114 BUCKINGHAM ROAD
BALTIMORE, MARYLAND 21207

FOR JUDICIAL REVIEW OF THE
DECISION OF THE

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
OLD COURTHOUSE ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

CASE NO. 96-69-A

CIVIL ACTION NO. 03-C-96-011216

PETITIONER'S MOTION TO EXTEND TIME LIMITS
FOR MEMORANDUM OF LAW AND TO TRANSCRIBE
THE RECORD

Now comes Lenora Jackson-Chapman and Barry Chapman who hereby request that this honorable court grant the motion to extend the time limits for the memorandum of law and to transcribe the record for the following reasons:

- 1) The Petitioners need more time to pay the cost to transcribe the record.
- 2) Due to the technical aspects and complexities of this matter, the Petitioners need to seek counsel from an attorney
- 3) The Petitioners need time to explore from past decisions that are same or similar, what remedies were available.

Wherefore the Petitioners pray the Motion to extend the time limits for the Memorandum of Law and to Transcribe The Record be granted and that this honorable court grant such other relief as the nature of this petition may require.

FILED JAN 02 1997

Lenora Jackson Chapman

LENORA JACKSON-CHAPMAN, PRO SE

12-27-96

Barry Chapman

BARRY CHAPMAN, PRO SE

12-27-96

CERTIFICATE OF SERVICE

We hereby certify that a copy of this motion to extend the time limits for the memorandum of law and to transcribe the record was mailed postage prepaid on 12-27-96 to the County Board of Appeals, Baltimore County at the Old Courthouse Room 49 400 Washington Avenue Towson, Maryland 21204 c/o Kristine Howanski, Lawrence Stahl and S. Diane Levero.

I certify that _____ served upon the following party or parties, or counsel by (hand delivery/mailling first class mail, postage prepaid) to

_____	_____
name	address
_____	_____
name	address
_____	_____
name	address

ORDER

C-96-11216

Upon consideration of the foregoing Application to Extend Time,
IT IS THIS 27th DAY OF December, 1996 BY THE CIRCUIT COURT FOR
BALTIMORE COUNTY

ORDERED that the date by which the Clerk of the District Court for
Baltimore County shall transmit the Record to this Court be and the same is
hereby extended to 60 days.

[Signature]
Judge

Mr. Clerk:

Mail true test copies of this Order to:

FILED JAN 02 1997

cc: Villa Nova, Williams, Chapman, & Chapman

11/7/06
IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY

PETITION OF LENORA JACKSON-CHAPMAN
BARRY CHAPMAN
4114 BUCKINGHAM ROAD
BALTIMORE, MARYLAND 21207

FOR JUDICIAL REVIEW OF THE DECISION OF
THE COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY
Room 49, Old Courthouse, 400 Washing-
ton Avenue, Towson, MD 21204

CIVIL
ACTION
No. 3-C-96-11216

IN THE CASE OF: IN THE MATTER OF THE
APPLICATION OF
LENORA JACKSON-CHAPMAN, ET AL
FOR VARIANCE ON PROPERTY LOCATED
ON THE NORTH SIDE OF BUCKINGHAM ROAD,
615' SOUTH OF CAMPFIELD ROAD
(4114 BUCKINGHAM ROAD)
3RD ELECTION DISTRICT
3RD COUNCILMANIC DISTRICT
CASE NO. 96-69-A

* * * * *

CERTIFICATE OF NOTICE

Madam Clerk:

Pursuant to the provisions of Rule 7-202(e) of the Maryland Rules of Procedure, Kristine K. Howanski, Lawrence M. Stahl, and S. Diane Levero, constituting the County Board of Appeals of Baltimore County, has given notice by mail of the filing of the Petition for Judicial Review to the representative of every party to the proceeding before it; namely, Lenora Jackson-Chapman and Barry Chapman, 4114 Buckingham Road, Baltimore, Maryland 21207, Petitioners; Richard and Cynthia Williams, 4116 Buckingham Road, Baltimore, Maryland 21207; and Peter Max Zimmerman, PEOPLE'S COUNSEL FOR BALTIMORE COUNTY, 400 Washington Avenue, Room 47, Towson, Maryland 21204; a copy of which Notice is attached hereto and prayed that it may be made a part hereof.

RECEIVED AND FILED

96 NOV -7 PM 3:04

CLERK OF THE CIRCUIT COURT
BALTIMORE COUNTY

Charlotte E. Radcliffe

Charlotte E. Radcliffe, Legal Secretary
County Board of Appeals, Room 49 -Basement
Old Courthouse, 400 Washington Avenue
Towson, MD 21204 (410) 887-3180

I HEREBY CERTIFY that a copy of the foregoing Certificate of Notice has been mailed to Lenora Jackson-Chapman and Barry Chapman, 4114 Buckingham Road, Baltimore, Maryland 21207, Petitioners; Richard and Cynthia Williams, 4116 Buckingham Road, Baltimore, Maryland 21207; Peter Max Zimmerman, PEOPLE'S COUNSEL FOR BALTIMORE COUNTY, 400 Washington Avenue, Room 47, Towson, Maryland 21204, this 7th day of November, 1996.

Charlotte E. Radcliffe

Charlotte E. Radcliffe, Legal Secretary
County Board of Appeals, Room 49 -Basement
Old Courthouse, 400 Washington Avenue
Towson, MD 21204 (410) 887-3180



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

November 7, 1996

Mr. and Mrs. Richard B. Williams
4116 Buckingham Road
Baltimore, Maryland 21207

RE: Civil Action No. 3-C-96-11216
LENORA JACKSON-CHAPMAN

Dear Mr. and Mrs. Williams:

Notice is hereby given, in accordance with the Maryland Rules of Procedure, that a Petition for Judicial Review was filed on November 1, 1996, in the Circuit Court for Baltimore County from the decision of the County Board of Appeals rendered in the above matter. Any party wishing to oppose the petition must file a response within 30 days after the date of this letter, pursuant to Rule 7-202(d)(2)(B).

Please note that any documents filed in this matter, including, but not limited to, any other Petition for Judicial Review, must be filed under Civil Action No. 3-C-96-11216.

Enclosed is a copy of the Certificate of Notice, which has been filed in the Circuit Court.

Very truly yours,

Charlotte E. Radcliffe
Charlotte E. Radcliffe
Legal Secretary

Enclosure

c: Mr. and Mrs. Richard B. Williams
Mr. and Mrs. Robert F. Hyde
Mr. George W. Gebhart
Mr. and Mrs. Irving T. Basil
Mrs. Joan Alston
People's Counsel for Baltimore County
Lawrence E. Schmidt /PDM
Arnold Jablon /PDM
Virginia W. Barnhart, County Attorney



11/1/96

CIRCUIT COURT FOR BALTIMORE COUNTY
Suzanne Mensh
Clerk of the Circuit Court
County Courts Building
401 Bosley Avenue
P.O. Box 6754
Towson, MD 21285-6754
(410)-887-2601, TTY for Deaf: (800)-735-2258

Chen
for notification
Jackson
H.
11/06/96

Case Number: 03-C-96-011216

TO: BALTIMORE COUNTY BOARD OF APPEALS
Old Courthouse/Rom 49
400 Washington Avenue
Towson, MD 21204

00:11:11 9- AON 96

11/1/96

E

CLERK OF THE DISTRICT COURT
BALTIMORE COUNTY

Now comes Lenora Jackson-Chapman and Barry Chapman hereby filing this petition for judicial review

Pursuant to Maryland Rule 7-202 the petitioners hereby request a judicial review for the following reasons:

- 1.)The order dated October 4, 1996 by the County Board of Appeals of Baltimore County is arbitrary and capricious.
- 2.)The order states that the petition for variance seeking relief from section 1Bo2, 3, C.1 of the Baltimore County Zoning Regulations to allow a side yard setbacks of 10 feet in lieu of the minimum required 10 feet and 25 feet respectively, was denied and ordered that the garage shall be removed within 120 days from the date of the order and if the order is appealed then within 120 days from when a final decision is rendered in this matter. Moreover the decision was made against public policy and certainly does not promote the general welfare of the petitioners who are taxpayers of Baltimore County.
- 3.)The Petitioners, Lenora Jackson-Chapman and Barry Chapman were present at the agency hearing.
- 4.)The Petitioners have standing, because they are the owners and/or occupants for the said property which is under the jurisdiction of the County Board of Appeals, of Baltimore County.
- 5.)The Petitioners hereby request that the clerk of the Court direct the Administrative Agency to the County Board of Appeals of Baltimore County to transcribe the record pursuant to Maryland Rule 7-206.
- 6.)The Petitioners hereby request a hearing on the merits, pursuant to Maryland Rule 7-208.

RECEIVED AND FILED

96 NOV -1 PM 3: 31

CLERK OF THE DISTRICT COURT
BALTIMORE COUNTY

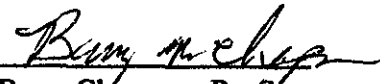
7.)The Petitioners hereby assert that the County of Appeals Board of Baltimore Government had no compelling interest to deny warranty.

8.)The Petitioners hereby request a stay on the order dated October 4, 1996 from the County Board for Appeals, Baltimore County.

9.)The Petitioners hereby request that Memorandum of Law deadline be extended 60 days after the filing of this petition for judicial review. Moreover the Memorandum of Law shall be forthcoming.

10.)The Petitioners' Constitutional Rights and/or Civil Rights were violated which are enumerated in the 14th amendment, Civil Rights Act of 1964, Civil Rights act of 1995. Wherefore the Petitioners request a jury trial pursuant to Maryland Rule 2-325. Wherefore we pray that the decision by the county Board of Appeals be reversed.


Lenora Jackson-Chapman, ProSe


Barry Chapman, ProSe

Certificate of Service

We hereby certify that a copy of this Petition for Judicial Review was sent postage prepaid to Cynthia and Richard Williams, 4112 Buckingham Road, Baltimore, MD 21207, and to County Board of Appeals, Baltimore County c/o Kristine Howanski, Lawrence Stahl and S. Diane Levero.



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

October 4, 1996

Mr. and Mrs. Barry Chapman
4114 Buckingham Road
Baltimore, MD 21207

RE: Case No. 96-69-A
Lenora Jackson-Chapman

Dear Mr. & Mrs. Chapman:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules and Procedure. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Charlotte E. Radcliffe for
Kathleen C. Bianco
Legal Administrator

Enclosure

cc: Mr. and Mrs. Richard B. Williams
Mr. and Mrs. Robert F. Hyde
Mr. George W. Gebhart
Mr. and Mrs. Irving T. Basil
Mrs. Joan Alston
People's Counsel for Baltimore County
Lawrence E. Schmidt /
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

MICROFILMED



1IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
 NS Buckingham Road, 615 ft. S
 of Campfield Road * ZONING COMMISSIONER
 4114 Buckingham Road
 3rd Election District * OF BALTIMORE COUNTY
 3rd Councilmanic District
 Lenora Jackson Chapman, et al * Case No. 96-69-A
 Petitioners
 * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for the property located at 4114 Buckingham Road in the Villa Nova residential subdivision of Baltimore County. The Petition is filed by Barry Chapman and Lenora Jackson Chapman, property owners. Variance relief is requested from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (BCZR) to allow a side yard setback of 0 ft., for an attached garage, and a sum of the side yard setbacks of 10 ft. in lieu of the minimum required 10 ft. and 25 ft., respectively. The subject property is depicted on numerous photographs which were submitted at the hearing and on the site plan which was submitted at the time the Petition was filed. This site plan was marked and received into evidence as Petitioners' Exhibit No. 1.

This matter was originally filed as an administrative variance pursuant to Section 26-127 of the Baltimore County Code. That section permits the Zoning Commissioner to grant variance relief from the strict application of the provisions of the Baltimore County Zoning Regulations without a public hearing for certain owner occupied residential lots. The subject property is residentially zoned (D.R.3.5) and is improved with an occupied single family dwelling. Thus, application was made by the property owners for residential variance relief. Following this application, the property was posted as required. Within the posting period, a request for public

ORDER RECEIVED FOR FILING

Date

By

12/15/95
 J. H. [Signature]

MICROFILMED

hearing was received from several individuals who reside within 1,000 ft. of the subject property. Thus, pursuant to the provisions of Section 26-127 of the Code., a public hearing was convened to consider this matter.

Appearing at the requisite public hearing held for this case were the Petitioners/property owners. Appearing in opposition to the request were Robert F. and Betty L. Hyde, George W. Gebhardt, Irving T. and Jane S. Basil, Joan Alston and Richard B. and Cynthia A. Williams. Mr. and Mrs. Williams reside immediately next door at 4116 Buckingham Road and are the most affected property owners.

Testimony offered on behalf of the Petition was that Mr. and Mrs. Chapman acquired the property in July of 1986. At that time, they described the site as improved with the subject single family dwelling. However, the dwelling was in somewhat dilapidated condition and the property unkept. Mr. and Mrs. Chapman testified that they have made significant efforts and spent significant sums to upgrade the property. Photographs of the site show that same is now well maintained. In addition to the dwelling, the rear of the lot contains a shed. Examination of the site plan shows the property to be approximately 62.5 ft. wide and 240 ft. deep.

Originally, the property contained an attached carport. This carport was attached to the side of the dwelling which faces the Williams property at 4116 Buckingham Road. Mr. Chapman indicated that there has been an increase in crime in the area. He produced written documentation showing that he has been a victim of crime and that there have been instances of burglary and vandalism. Moreover, Mr. Chapman indicated that a portion of his lot adjacent to the dwelling frequently floods. He indicated that rain flows down the paved driveway and settles in his side yard.

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Date

By

In order to address these concerns, Mr. Chapman constructed an attached single car garage to the dwelling. This garage is shown in a series of photographs which were submitted and is on the side of the property facing the Williams' house. The garage is approximately 47 ft. deep, 10 ft. wide and 15 ft. high. The garage replaced the open carport which existed at this location previously. Due to the garage's location and size, the requested side yard and sum of side yard setback variances were filed. It is of note that the garage was constructed by Mr. Chapman and a friend. A permit was not initially obtained when construction began, however, application for same was ultimately made.

Mr. and Mrs. Williams testified in opposition to the request. Their opposition was joined by other neighbors of the area. They indicate that the garage is located immediately abutting the property line and towers over their side yard. They produced a property line survey (Protestants' Exhibit No. 1) which shows that their house is but 8 ft. from the property line. They observed that this minimal distance is insufficient and that the garage blocks their air, view and light. It was also claimed that the construction of the garage has diverted water runoff into the Williams' yard.

I am appreciative of the Chapmans' concerns regarding crime and their claim to need garage space. Moreover, it appears that their property is generally well kept and that they have improved the site since their acquisition of same. Nonetheless, I am troubled over the fact that the garage was built without a permit. Moreover, the site plan submitted by the Petitioners when the case was filed indicates that the distance from the property line to the Williams' house is 46 ft. The photographs and property line survey submitted by Mr. and Mrs. Williams show that the Chapmans' house is only 8 ft. from the property line, significantly less than the 46

ORDER RECEIVED FOR FILING

Date

By

ft. shown. The impact of the garage on the Williams' dwelling located less than 10 ft. away is significantly different than if the house were located, as claimed by the Chapmans, more than 5 times farther away.

Zoning variances must be considered in accordance with the standards set forth in Section 307 of the BCZR. The Petitioner must demonstrate that a practical difficulty would result if strict adherence to the regulations were required. Moreover, in the recent Court of Special Appeals case of Cromwell v. Ward, 102 Md. App 691 (1995), the Court opined that the property owner must demonstrate that the site is unique and different from other properties. As importantly, variance relief can be granted only if same will not be detrimental to surrounding properties.

In this instance, I am not persuaded that the Chapmans have satisfied their burden at law. I particularly find that the garage, as and where constructed, detrimentally affects the adjacent property. This finding, in and of itself, is sufficient to deny the variance. Moreover, the testimony was not persuasive that strict adherence to the regulations would result in a practical difficulty or that the property in and of itself was unique when compared with other parcels. For these reasons, the Petitioner for Variance should be denied and I will so order.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 15th day of December, 1995 that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (BCZR) to allow a side yard setback of 0 ft., for an attached garage, and a sum of the side yard setbacks of 10 ft. in lieu of the minimum required 10 ft. and 25 ft., respectively, be and is hereby DENIED.

ORDER RECEIVED FOR FILING

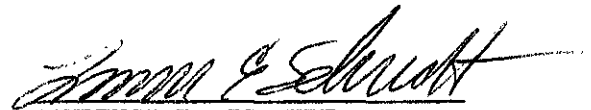
Date

By

MICROFILMED

The garage shall be removed within 120 days from the date of this Order or, if this Order is appealed, then within 120 days from when a final decision is rendered in this matter.

LES/mmn



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING

Date

By

MICROFILMED

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

December 12, 1995

Mr. and Mrs. Barry Chapman
4114 Buckingham Road
Baltimore, Maryland 21207

RE: Case No. 96-69-A
Petition for Zoning Variance
Property: 4114 Buckingham Road

Dear Mr. and Mrs. Chapman:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been denied.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
att.

cc: Mr. and Mrs. Richard B. Williams
Mr. and Mrs. Robert F. Hyde
Mr. George W. Gebhardt
Mr. and Mrs. Irving T. Basil
Mrs. Joan Alston

MICROFILMED

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 4114 Buckingham Road
address
Lenora Jackson-Chapman
Barry Chapman
Baltimore, County, Maryland 21207
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty) We the applicants are faced with an undue hardship, which was not the result of our actions. Also we need to make reasonable use of our property for off street parking and the difficulties or hardship is peculiar to the subject property in contrast to other properties in the zoning district. There are numerous garages within the block, surrounding blocks and throughout the zoning district. The applicants need to secure the property from theft of property, to also prohibit access to swimming pool area, thereby preventing potential harm to others. Furthermore the garage will be utilized to shield the property from continuous water damage to the property because of lack of drainage on this side of the road.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Lenora Jackson-Chapman
(signature)
Lenora Jackson-Chapman
(type or print name)



Barry Chapman
(signature)
Barry Chapman
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 21st day of August, 19 95, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Lenora Jackson-Chapman and Barry Chapman

the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

8-21-95
date

LEON C. PURNELL
NOTARY PUBLIC STATE OF MARYLAND
NOTARY PUBLIC My Commission Expires March 4, 1996
My Commission Expires March 4, 1996



MICROFILMED



Petition for Administrative Variance

96-69-A

to the Zoning Commissioner of Baltimore County

for the property located at 4114 Buckingham Road Baltimore County, Md. 21207
which is presently zoned _____

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1802.3.C.1

To allow a side yard setback of zero feet (for an attached garage) and a sum of side yard setbacks of 10 ft. in lieu of the minimum required 10 ft. and 25 ft. respectively.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship & practical difficulty) 1) Prior to 1948 there were no set back requirements and this is when the house was built. 2) With the current set backs, reasonable use of the property can not be utilized for a permitted purpose. 3) Current zoning won't allow us to protect our property from theft, provide off street parking, secure pool area and prevent continuous water damage, because of lack of drainage. This would be an undue hardship.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

(We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition)

Legal Owner(s):

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

Lenora Jackson-Chapman
(Type or Print Name)

Signature

Barry Chapman
(Type or Print Name)

Signature

4114 Buckingham Road 410-653-7255
Address Phone No.

Baltimore County, Maryland 21207
City State Zipcode
Name, Address and phone number of representative to be contacted

Lenora Jackson-Chapman

Barry Chapman
Name

4114 Buckingham Road Balto. Co., Md. 21207
Address Phone No.

410-653-7255

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted.

Zoning Commissioner of Baltimore County

REVIEWED BY: [Signature]

DATE: 8-25-95

ESTIMATED POSTING DATE: 9/3



Printed with Soybean Ink
on Recycled Paper

ITEM #: 91

PROPERTY DESCRIPTION

96-69-A

al

BEGINNING FOR THE SAME ON THE NORTHERN MOST SIDE OF BUCKINGHAM ROAD AND AT THE DISTANCE OF 615 FEET SOUTH 54 DEGREES 30 MINUTES WEST FROM THE INTERSECTION OF THE NORTHERN MOST SIDE OF BUCKINGHAM ROAD WITH THE WESTERN MOST SIDE OF CAMPFIELD ROAD SAID PLACE OF BEGINNING BEING AT THE CENTER LINE BETWEEN LOTS 20 AND 21, SECTION D, AS LAID OUT ON THE PLAT OF VILLA NOVA SAID PLAT BEING RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY IN PLAT BOOK 3, FOLIO 101 AND RUNNING THENCE BOUNDING ON THE NORTHERN MOST SIDE OF BUCKINGHAM ROAD SOUTH 54 DEGREES 30 MINUTES WEST 62.5 FEET THENCE RUNNING FOR A LINE OF DIVISION NOW MADE NORTH 36 DEGREES 4 MINUTES WEST 240.48 FEET THENCE NORTH 62 DEGREES 6 MINUTES EAST 63 FEET AND THENCE BOUNDING ON THE AFORESAID DIVISION LINE BETWEEN LOTS 20 AND 21 AFORESAID SOUTH 36 DEGREES 4 MINUTES EAST 232 FEET TO THE PLACE OF BEGINNING. THE IMPROVEMENTS THEREON BEING KNOWN AS NO. 4114 BUCKINGHAM ROAD.

MICROFILMED

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

96-69-A

District 3rd

Date of Posting 9/2/95

Posted for: Variance

Petitioner: Lorena & Barry Chapman

Location of property: 1114 Buckingham Rd, N/S

Location of Signs: Facing roadway, on property being zoned

Remarks: _____

Posted by M. Healy Date of return: 9/8/95
Signature

Number of Signs: 1

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CERTIFICATE OF PUBLICATION

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204, on the following date and time:

Washington Avenue, Towson, Maryland 21204
 Case: 88-07A (Item #1)
 4114 Buckingham Road
 N/S Buckingham Road,
 615' S of Campfield Road
 3rd Election District
 3rd Councilmanic
 Legal Owner(s):
 Lenora Jackson-Chapman
 and Barry Chapman
 Hearing: Wednesday,
 October 18, 1995 at 9:00
 a.m. in Rm. 106, County
 Office Building.

Variance: to allow a side yard setback of zero feet (for an attached garage) and a sum of side yard setbacks of 10 feet in lieu of the minimum required 10 feet and 25 feet, respectively.

LAWRENCE E. SCHMIDT
 Zoning Commissioner for
 Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Call 887-3353.
 (2) For information concerning the File and/or Hearing, Please Call 887-3391.
 9/22/95 Sept. 28.

TOWSON, MD.,

9/29, 1995

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 9/28, 1995.

THE JEFFERSONIAN,

A. Henickson
 LEGAL AD. - TOWSON

MICROFILMED

REQUEST FOR HEARING

TO THE ZONING COMMISSIONER FOR BALTIMORE COUNTY:

Re: Case Number: 96-69-A
Petitioner(s): Chapman
Location: 4114 Buckingham Rd, 21207

VILLA NOVA COMMUNITY ASSOC. INC
I/WE, ROSALIE M. POOLE
Name(s) (TYPE OR PRINT)

() Legal Owners (☒) Residents, of

4110 VILLA NOVA RD
Address

BALTIMORE, MD 21207
City/State/Zip Code Phone

which is located approximately less than 1000 feet from the
property which is the subject of the above petition, do hereby formally
request that a public hearing be set in this matter.

Rosalie M Poole 9-18-95
Signature Date

Signature Date

UNRECORDED
rec'd 9-18-95
JCM

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

Item No. 1

887-4386

06-780

DATE 8-25-95 ACCOUNT R-001-6150

96-69-A AMOUNT \$ 85.00

RECEIVED FROM: Lenora + Emily Chapman

FOR: Residential Variance + sign

MICROFILMED

010 — Res. Variance (admin) filing fee — \$30.00
080 — Sign + notary fee — \$55.00
Total \$85.00

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER
VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

NL 015658

DATE 1/18/96 ACCOUNT R001-7120

AMOUNT \$ 210.00

RECEIVED FROM: Emily A. + Lenora Chapman (Chapman)

FOR: upland denial of zoning variance

for 4114 Backus Rd. # 96-69-A
03A91#0232MICHRC \$210.00
03A91#0232MICHRC \$210.00

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER
VALIDATION OR SIGNATURE OF CASHIER

96 FEB -1 10:57

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY

96-69-A

Towson, Maryland

District.....

Date of Posting 1/29/96

Posted for: Appeal

Petitioner:

Location of property: 1114 Buckingham Rd.

Location of Signs: Facing road way on property being appealed

Remarks:

Posted by [Signature]
Signature

Date of return: 2/1/96

Number of Signs: 1



MICROFILMED

PETITION OF: Lenora Jackson-Chapman and
Barry Chapman

CIVIL ACTION # 3-C-96-11216

IN THE MATTER OF Lenora Jackson-Chapman et al

RECEIVED FROM THE COUNTY BOARD OF
APPEALS EXHIBITS, BOARD'S RECORD
EXTRACT & TRANSCRIPT FILED IN THE
ABOVE-ENTITLED CASE, AND ZONING
COMMISSIONER'S FILE AND EXHIBITS

Debra M. Gilmole

Clerk's Office

Date: 4-4-97



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

August 31, 1995

NOTICE OF CASE NUMBER ASSIGNMENT

Re: CASE NUMBER: 96-69-A (Item 91)
4114 Buckingham Road
N/S Buckingham Road, 615' S of Campfield Road
3rd Election District - 3rd Councilmanic

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

- 1) Your property will be posted on or before September 3, 1995. The closing date (September 18, 1995) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.
- 2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reposting and newspaper advertising are payable by the petitioner(s).
- 3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$60.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon
Director

cc: Lenora and Barry Chapman

MICROFILMED





County Board of Appeals of Baltimore County

**OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180**

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

May 23, 1996

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), BOARD'S RULES OF PRACTICE & PROCEDURE, APPENDIX C, BALTIMORE COUNTY CODE.

CASE NO. 96-69-A

LENORA JACKSON-CHAPMAN, ET AL -Petitioners
N/s Buckingham Road, 615' S of Campfield Road
(4114 Buckingham Road)
3rd Election District
3rd Councilmanic District

VAR -To allow side yard setback of 0' for attached garage; and sum of side yard setbacks of 10' in lieu of minimum required 10' and 25' respectively.

12/15/95 -Z.C.'s Order in which Petition for
Variance is DENIED.

ASSIGNED FOR: WEDNESDAY, JULY 24, 1996 at 10:00 a.m.

cc: Mr. and Mrs. Barry Chapman Appellants /Petitioners

Mr. and Mrs. Richard B. Williams Protestants

Mr. and Mrs. Robert F. Hyde
Mr. George W. Gebhart
Mr. and Mrs. Irving T. Basil
Mrs. Joan Alston - ZONING Chairman

People's Counsel for Baltimore County
Lawrence E. Schmidt /
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

MICROFILMED Kathleen C. Bianco
Administrative Assistant



5/16/96 -Notice of Assignment for hearing scheduled for Wednesday,
July 24, 1996 at 10:00 a.m. sent to following:

Mr. and Mrs. Barry Chapman
Mr. and Mrs. Richard B. Williams
Mr. and Mrs. Robert F. Hyde
Mr. George W. Gebhart
Mr. and Mrs. Irving T. Basil
Mrs. Joan Alston
People's Counsel for Baltimore County
Lawrence E. Schmidt /
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

Deliberated 7/24/96 - D-Var. K.L.M.

RECORDED

TO: PUTUXENT PUBLISHING COMPANY
September 28, 1995 Issue - Jeffersonian

Please forward billing to:

Barry and Lenora Chapman
4114 Buckingham Road
Baltimore, MD 21207
653-7255

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-69-A (Item 91)
4114 Buckingham Road
N/S Buckingham Road, 615' S of Campfield Road
3rd Election District - 3rd Councilmanic
Legal Owner: Lenora Jackson-Chapman and Barry Chapman
HEARING: WEDNESDAY, OCTOBER 18, 1995 at 9:00 a.m. in Room 106, County Office Building.

Variance to allow a side yard setback of zero feet (for an attached garage) and a sum of side yard setbacks of 10 feet in lieu of the minimum required 10 feet and 25 feet, respectively.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

MICROFILMED



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

September 20, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified hereinin Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-69-A (Item 91)

4114 Buckingham Road

N/S Buckingham Road, 615' S of Campfield Road

3rd Election District - 3rd Councilmanic

Legal Owner: Lenora Jackson-Chapman and Barry Chapman

HEARING: WEDNESDAY, OCTOBER 18, 1995 at 9:00 a.m. in Room 106, County Office Building.

Variance to allow a side yard setback of zero feet (for an attached garage) and a sum of side yard setbacks of 10 feet in lieu of the minimum required 10 feet and 25 feet, respectively.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon
Director

cc: Barry and Lenora Chapman/4114 Buckingham Rd/21207
Villa Nova Community Association, Inc./Joan Alston/7205 Prince George Rd/21207
Rosalie Poole/4110 Villa Nova Road/21207
Paul and Pam Bowman/4118 Buckingham Rd/21207
Richard and Cynthia Williams/4116 Buckingham Road/21207
Irving and Jane Basil/4014 Raleigh Road/21208

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

MICROFILMED

Case No. 96-69-A

LENORA JACKSON CHAPMAN, ET AL - Petitioners

NS Buckingham Road, 615 S of Campfield Road
(4114 Buckingham Road)

3rd Election District

Appealed: 1/11/96



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

September 15, 1995

Ms. Lenora Jackson-Chapman
Mr. Barry Chapman
4114 Buckingham Road
Baltimore, Maryland 21207

RE: Item No.: 91
Case No.: 96-69-A
Petitioner: L. J. Chapman, et al

Dear Ms. Jackson-Chapman:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on August 25, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

A handwritten signature in dark ink, appearing to read "W. Carl Richards, Jr.", is written over a faint, circular official stamp.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

RECEIVED



BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: ZADM *Joyce Watson*
FROM: DEPRM
Development Coordination
SUBJECT: Zoning Advisory Committee
Agenda: 9-5-95

DATE: Sept. 14

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: 81
83
87
89
91
92

LS:sp

LETTY2/DEPRM/TXTSBP



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

9-12-95

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 091 (JJS)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for *Bob Small*
Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

MICROFILMED

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: September 1, 1995

FROM: Pat Keller, Director
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 65, 66, 67, 68, 70, 75, 76, 79, 82, 85, 86, 88, 90, and 91¹⁸

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by:

Jeffrey W. Long

Division Chief:

Carol Kerns

PK/JL

MICROFILMED

BALTIMORE COUNTY, MARYLAND
Inter-Office Memorandum

DATE: August 25, 1995

TO: Hearing Officer

FROM: John J. Sullivan, Jr.
Planner II, PDM

SUBJECT: Item #91
4114 Buckingham Road

Mr. Chapman did not have photos today as they "did not turn out". He wished to proceed with the variance and would "submit photos as soon as possible".

JJS:scj

MICROFILMED



Baltimore County
Department of Permits and
Development Management

Permits and Licenses
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3900
Fax: (410) 887-2824

January 18, 1996

Mr. and Mrs. Richard B. Williams
4116 Buckingham Road
Baltimore, MD 21207

Mr. and Mrs. Robert F. Hyde
4017 Villa Nova Road
Baltimore, MD 21207

Mr. George W. Gebhart
3629 Sussex Road
Baltimore, MD 21207

Mr. and Mrs. Irving T. Basil
4014 Raleigh Road
Baltimore, MD 21208

Mrs. Joan Alston
7205 Prince George Road
Baltimore, MD 21207

Re: Petition for Zoning Variance
NS Buckingham Road, 615 Ft. S of Campfield Road
4114 Buckingham Road
3rd Election District - 3rd Councilmanic District
Lenora Jackson Chapman, et al - Petitioners
Case No. 96-69-A

Dear Ladies and Gentlemen:

Please be advised that an appeal of the above-referenced case was filed in this office on January 11, 1996 by Lenora Jackson Chapman and Barry Chapman. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals, "Board".

If you have any questions concerning this matter, please do not hesitate to contact the Board at 887-3180.

Sincerely,

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

ARNOLD JABLON
Director
Department of Permits and
Development Management

AJ:nmn

c: People's Counsel

MICROFILMED





Baltimore County
Department of Permits and
Development Management

Permits and Licenses
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3900
Fax: (410) 887-2824

January 18, 1996

Mr. and Mrs. Richard B. Williams
4116 Buckingham Road
Baltimore, MD 21207

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4014 Raleigh Road
Baltimore, MD 21208

Mrs. Joan Alston
7205 Prince George Road
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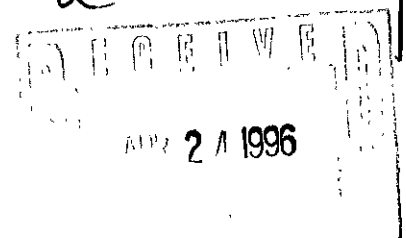
Sincerely,

ARNOLD JABLON
Director
Department of Permits and
Development Management

AJ:nnn

c: People's Counsel

*Please set this show-moving
case in for a hearing*



August 25, 1995	Petition for Administrative Variance filed by Lenora Jackson-Chapman and Barry Chapman, to allow a side yard setback of zero feet (for an attached garage) and a sum of side yard setbacks of 10 ft. in lieu of the minimum required 10 ft. and 25 ft. respectively.
September 18, 1995	Request for hearing filed by the Villa Nova Community Association, Inc.
October 18	Hearing held on Petition by the Z.C.
December 15	Order of the Zoning Commissioner in which Petition for Variance was DENIED; garage shall be removed within 120 days of the date of this order.
January 11, 1996	Notice of Appeal filed by Lenora Jackson Chapman and Barry Chapman.
July 24	Hearing before the Board of Appeals. Deliberation conducted by the Board at the conclusion of the hearing.
October 4	Opinion and Order of the Board in which the Petition for Variance was DENIED; Garage shall be removed within 120 days of the date of this order.
November 1	Petition for Judicial Review filed in the Circuit Court for Baltimore County by Lenora Jackson-Chapman and Barry Chapman. (copy rec'd by CBA 11/6/96)
November 7	Certificate of Notice sent to interested parties.
January 2, 1997	Motion to Extend time limits for Memorandum of Law and to Transcribe the Record filed by Petitioners. Motion GRANTED to extend the limits 60 days (March 7, 1997) by Judge Cadigan.
March 4, 1997	Transcript of testimony filed; Record of Proceedings filed in the Circuit Court.
September 12 ✓ E	Opinion issued by the Circuit Court for Baltoz Co.; decision of the CBA is AFFIRMED (Dana M. Levitz, J)

NOTICE OF CIVIL TRACK ASSIGNMENT AND SCHEDULING ORDER

CIRCUIT COURT FOR BALTIMORE COUNTY
CIVIL ASSIGNMENT OFFICE
COUNTY COURTS BUILDING
401 BOSLEY AVENUE
P.O. BOX 6754
TOWSON, MD 21285-6754

Baltimore County Board Of Appeals
Old Courthouse/Rom 49
400 Washington Avenue
Towson MD 21204

Assignment Date: 04/07/97

Case Title: In The Matter of: Lenora Jackson Chapman , et al
Case No: 03-C-96-011216 AE

The above case has been assigned to the EXPEDITED APPEAL TRACK. Should you have any questions concerning your track assignment, please contact: Richard P. Abbott at (410) 887-3233.

You must notify this Coordinator within 15 days of the receipt of this Order as to any conflicts with the following dates:

SCHEDULING ORDER

1. Motions to Dismiss under MD. Rule 2-322(b) are due by..... 04/22/97
 2. All Motions (excluding Motions in Limine) are due by..... 06/11/97
 3. TRIAL DATE is..... 07/21/97
- Civil Non-Jury Trial; Start Time: 09:30AM; To Be Assigned; appeal: 1/2 hour

Honorable John Grason Turnbull II
County Administrative Judge

Postponement Policy: No postponements of dates under this order will be approved except for undue hardship or emergency situations. All requests for postponements must be submitted in writing with a copy to all counsel/parties involved. All requests for postponements of cases filed after October 1, 1994 must be approved by the Administrative Judge.

Settlement Conference (Room 507): All counsel and their clients MUST attend the settlement conference in person. All insurance representatives MUST attend this conference in person as well. Failure to attend may result in sanctions by the Court. Settlement hearing dates may be continued by Settlement Judges as long as trial dates are not affected. (Call [410] 887-2920 for more

Special Assistance Needs: If you, a party represented by you, or a witness to be called on behalf of that party need an accommodation under the Americans with Disabilities Act, please contact the Court Administrator's Office at (410) 887-2687 or use the Court's TDD line, (410) 887-3018, or the Voice/TDD M.D. Relay Service, (800) 735-2258.

Court Costs: All court costs MUST be paid on the date of the settlement conference or trial.

cc: Richard B Williams
cc: Richard B Williams Mrs
cc: Villa Nova Community Association Inc
cc: Lenora Jackson Chapman
cc: Barry Chapman
Issue Date 04/07/97

97 APR -8 PM 3:40
RECEIVED
COUNTY BOARD OF APPEALS

APPEAL

Petition for Zoning Variance
NS Buckingham Road, 615 Ft. S
of Campfield Road
4114 Buckingham Road
3rd Election District - 3rd Councilmanic District
Lenora Jackson Chapman, et al - Petitioners
Case No. 96-69-A

Petition for Zoning Variance

Description of Property

Certificate of Posting

Certificate of Publication

Request for Hearing dated September 18, 1995

Zoning Plans Advisory Committee Comments

Protestant(s) Sign-In Sheet

Petitioner's Exhibits: 1 - Site Plan to accompany Petition for Zoning Variance
A - Zoning Violation Inspection Record
B - Memo from Lenora Jackson to Jim Thompson dated August 29, 1995
C - Baltimore County Police Department Crime Report dated August 31, 1994
D - Note of Police Report on File dated August of 1994
D - Note from Lenora Jackson-Chapman stating she is also a member of the citizen patrol
E - Correction Notice dated July 11, 1995
F - Copy of Building Permit No. B241192 dated July 12, 1995
G - Request for Assistance dated July 12, 1995
H - Letter to Mr. and Mrs. Chapman from Augustus Harris dated July 12, 1995
I - Correction Notice dated July 25, 1995
J - Request for Assistance dated July 26, 1995
K - Affidavit in support of Administrative Variance dated August 21, 1995
L - Letter to Lewis Mayer from Barry and Lenora Jackson-Chapman dated August 7, 1995
M - Request for Variance from Barry and Lenora Jackson-Chapman dated August 28, 1995
including neighbor signatures
N - Letter from the President of the Villa Nova Community Association regarding "Best
Decorated Home" Holiday Contest

13 laminate pages (including a total of 31) photographs not marked as exhibits from the Petitioner

Protestant's Exhibits: 1 - Property Line Survey Drawing dated May 10, 1995

Zoning Commissioner's Order dated December 15, 1995 (DENIED)

Notice of Appeal received on January 11, 1996 from Barry and Lenora Jackson-Chapman

c: Mr. and Mrs. Richard B. Williams, 4116 Buckingham Road, Baltimore, MD 21207
Mr. and Mrs. Robert F. Hyde, 4017 Villa Nova Road, Baltimore, MD 21207
Mr. George W. Gebhart, 3629 Sussex Road, Baltimore, MD 21207
Mr. and Mrs. Irving T. Basil, 4014 Raleigh Road, Baltimore, MD 21208
Mrs. Joan Alston, 7205 Prince George Road, Baltimore, MD 21207
Mr. and Mrs. Barry Chapman, 4114 Buckingham Road, Baltimore, MD 21207
People's Counsel of Baltimore County, M.S. 2010

Request Notification: Lawrence E. Schmidt, Zoning Commissioner
Arnold Jablon, Director of PDM

Mr. Barry N. Chapman
Mrs. Lenora Jackson Chapman
4114 Buckingham Road
Baltimore, Maryland 21207

RE:Appeal For Denial of a Zoning Variance
For 4114 Buckingham Road Baltimore County,
Maryland 21207. Case No. 96-69-A

Date Jan 10 1996

To:Baltimore County Board of Zoning Appeals
Mr. Arnold Jablon, Director
Dept. of Permits and Development Management
111 W. Chesapeake Ave. Room 111
Towson, Maryland 21204
410-887-3353

Dear, Mr. Jablon

Inasmuch as we do not agree with the decision made by the Zoning Commissioner of Baltimore County, we hereby respectfully request that a hearing be set forth in this matter for an appeal of the denial of a zoning variance for the above mentioned property. Thank you very much for your time and consideration in this matter.

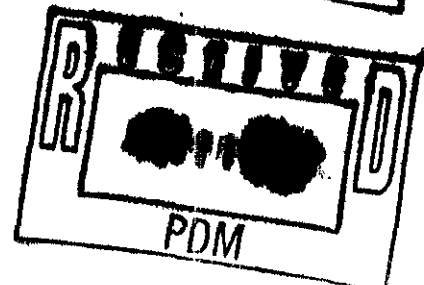
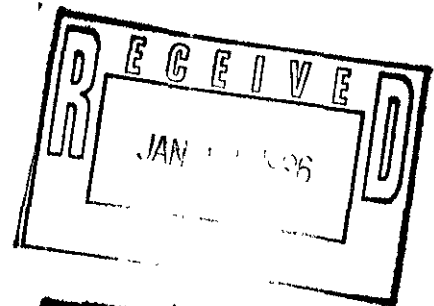
Sincerely,

Barry N. Chapman

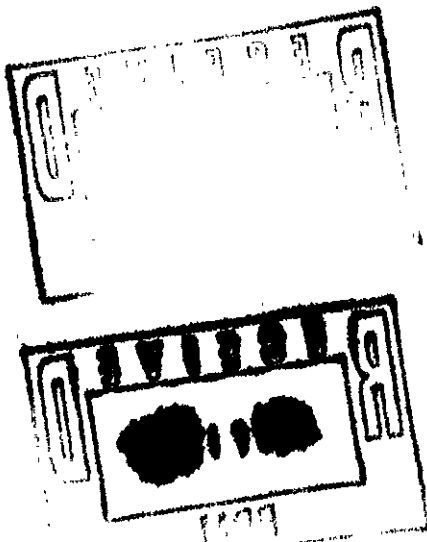
Barry N. Chapman

Lenora Jackson-Chapman

Lenora Jackson Chapman



MICROFILMED





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

September 19, 1995

Barry and Lenora Chapman
4114 Buckingham Road
Baltimore, Maryland 21207

Re: Case Number: 96-69-A

Dear Petitioners:

A formal REQUEST FOR PUBLIC HEARING has been filed in your case. Formal notification of the hearing date will be forwarded to you shortly.

As you recall, it now becomes necessary to repost the property and run notice of the hearing in a newspaper of general circulation. This office will ensure that the legal requirements for posting and advertising are satisfied.

Posting charges in the amount of \$35.00 are now due. Your check in this amount should be made payable to "Baltimore County, Maryland" and immediately mailed to this office.

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

Please be further advised that non-payment of fees will stay the issuance of the Zoning Commissioner's Order.

If you have any questions concerning this letter, you may contact Gwen Stephens at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "Arnold Jablon".
ARNOLD JABLON, DIRECTOR

RECEIVED



COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

MINUTES OF DELIBERATION

IN THE MATTER OF: Lenora Jackson-Chapman, et al -Petitioners
Case No. 96-69-A

DATE : July 24, 1996 /at conclusion of hearing

BOARD /PANEL : Kristine K. Howanski (KKH)
Lawrence M. Stahl (LMS)
S. Diane Levero (SDL)

SECRETARY : Kathleen C. Bianco
Legal Administrator

Those present at this deliberation included Appellants /Petitioners and Protestants to this matter. People's Counsel did not participate in these proceedings.

KKH: We are here now in the deliberation phase of Case No. 96-69-A, Lenora Jackson-Chapman, et al; zoning commissioner's denial of a Petition for Variance to allow 0' setback for attached garage and the sum of 10' in lieu of 10' and 25' respectively. By Order dated September 15, 1995. A lengthy amount of testimony I must say for the amount of facts in dispute before us today. And as I already indicated on the record, I am not a fan of public deliberation because other deliberative bodies do not have to go through what we go through doing it in front of everybody. So I will continue with my judicial notice of Larry's Stahl's "why I hate public deliberation" speech that he has given in other cases, but in this instance, I may welcome the opportunity to air things not necessary to the law but how to behave as neighbors and deal with problems.

When I chair, I typically defer to my colleagues and will do so today.

LMS: Thank you. Briefly, for the record, and so that I maintain my consistency, I also believe that the public deliberation required under judicial determination of Baltimore County's open meetings laws are not helpful generally in a variance case; and in zoning in general.

Recent case which has started to erode that principle; that our brothers and sisters in the Circuit Court would not make rule for themselves that they are imposing upon us. Having said that, the law is the law is the law, and I will proceed.

Heard a lot of relevant issues between neighbors; disputes relative to water, runoff disputes, a number of issues; fortunately or unfortunately, the zoning laws are not at issue here. Zoning rules are what they are. We are not empowered nor do we sit as a body that can either decide to apply or

MICROFILMED

ignore the laws. They are what they area. They require setbacks. Zoning law allows for exceptions because every rule is proven by exception. Variance process -- leading case on variances is Cromwell v. Ward which is mentioned, and we have had several people testifying relative to findings of fact and conclusions below, and Zoning Commissioner did direct him to Cromwell v. Ward. Stands for proposition that zoning is a good thing and done for good and sufficient reasons, and every four years zoning maps and requirements are changed by County Council as needed. Between those changes or requests, there should only be alterations and exceptions for the most pressing of reasons; can only be based on uniqueness; two step process; first step being that property for which variance is requested needs to be unique in sense it is so different from other properties in the area that request for variance addressed problem raised by that uniqueness; and that if that first step is reached, then the additional requirements, which the Zoning Commissioner mentions, about whether or not it is detrimental to the area, whether or not there will be detriment to the particular property; strict adherence; only after overcoming first.

Unfortunately for the Appellants, they have been very forthright, very direct, very honest. I will say that to both sides. But it's clear to me that the reasons for the request for this particular variance are the reasons set forth by Mr. Chapman and Mrs. Chapman -- the reasons of securing property; of a very real and important and appropriate concern of children in neighborhood, pool, etc. And that should be concerns of property owner. But to enclose and thereby violate zoning regulations and thereby need variance to enclose that garage for those reasons is not a request that is based on a unique situation of the Chapman's particular piece of property for which the only solution is to do something that requires a variance. The cars, the pool are all things which have been done by owners; had they not had pool, not had cars, not had that necessity of securing property, then they would not have enclosed and quite honestly -- would not have needed the variance.

I specifically asked initially some questions as to layout of particular lot as opposed to other lots in area and on the street. And again, everyone was quite forthright that there really were no tremendous differences; such striking uniqueness to property that would require action because of property's uniqueness that would...I have no doubt that these concerns must be addressed but Cromwell is very clear that no variance can be granted for any reasons which are related to that which the property owner has done as opposed to conditions forced upon them by uniqueness of their own piece

of property.

And since that is the case, the first is not reached. And if the first is not reached, then none of the other considerations relative to good, bad, detrimental, comes into play. And unfortunately, as lay people --- you would still have to address questions to both prongs --but you have not met test of first prong. All information needs to be presented. I simply believe there is in short no uniqueness to the Chapman property sufficient by its very nature to require because of that uniqueness the construction of the enclosure which would therefore necessitate the granting of a variance under Cromwell. Because Cromwell gives us no leeway and has been affirmed by the appellate courts in Maryland, I have no choice other than to affirm the Zoning Commissioner and to deny the variance.

SDL: I will be very brief. Mr. Stahl has pretty well stated the case. The law on variances is very strict. Can be granted under 307.1 and, as Larry said, it's a two-prong test -- uniqueness of property; different in some way from the other properties in area that it be impact on requested variances.

The second prong is practical difficulty or unreasonable hardship. 307.1 is strict enough in itself, and Cromwell v. Ward tightens it up so that we have very little leeway to grant variances. No evidence presented to satisfy the first prong which must be satisfied that property is unique or different in some way from others in neighborhood to allow granting. So I would also deny variances.

KKH: I will agree as well. But I will go a little further because of lay people involved. I would say what I would do if we went on to additional prongs. I agree with my colleagues that we are bound by Cromwell v. Ward to consider first if property is unique. Am satisfied there has been no demonstration today that the property is unique within the contemplation of Cromwell v. Ward. When you build, you set up lots; basically the same. I am as well persuaded that I do not get beyond the first prong and show that the property is somehow unique. Were we to go on, however, I think I would still deny the request. If for some reason we were satisfied that it was unique, next prong would be practical difficulty.

If you collect cars beyond the amount that might normally sit on your lot, that is a hardship created by the parties; similarly, to put a pool in the back -- you don't put up the pool and then ask for a variance. If there are more cars than appropriate, I do not find that the second prong has been satisfied.

Stepping into the third area, next part is it detrimental to surrounding properties. And what we are dealing with is an older neighborhood. The properties are built to be a certain way; whether or not you like it, not designed for additions. Neighbors recognize inherent limitations in their own property; if you need something bigger, must move to another neighborhood or buy bigger house.

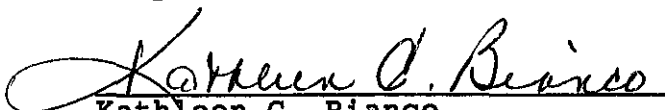
I find no bad intent on either side; see no one trying to do this out of spite, etc. I do not want to be interpreted as deciding against the Chapmans; this is one of those situations where you cannot do those kinds of things; need bigger lot. I would concur with my colleagues. If I were required to go further, I would deny the variance at each step along the line.

We are in concurrence. We will prepare a written Opinion and Order. There is no appeal from our discussion today; we will prepare written Order, and anyone feeling aggrieved will have 30 days from the date of that written Order to file an appeal.

This brings this particular hearing to a close.

* * * * *

Respectfully submitted,


Kathleen C. Bianco
Legal Administrator



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

November 29, 1996

Ms. Jane S. Basil
4014 Raleigh Road
Baltimore, MD 21208

RE: Civil Action No. 3-C-96-11216
LENORA JACKSON-CHAPMAN

Dear Ms. Basil:

Pursuant to our telephone conversation this afternoon, enclosed is your original letter, which we received this date, in opposition to the subject Petition for Judicial Review. Also enclosed is a copy of the Maryland Rules which pertain to appeals taken to the Circuit Court from decisions of this Board (i.e., Petition for Judicial Review).

When you prepare your opposition to the subject Petition for Judicial Review, which will be filed with the Circuit Court, please be sure to include the Civil Action Number as assigned by the Court (Civil Action No. 3-C-96-11216), just as you did in the letter written to this office.

Should you have any questions relative to the enclosed rules, the Circuit Court can provide the appropriate answers. However, if you have any further questions regarding the Board or its procedures, please call me at 887-3180.

Very truly yours,

A handwritten signature in cursive script, reading "Kathleen C. Bianco".

Kathleen C. Bianco
Legal Administrator

Enclosures



24 Nov 1996

Dear Mr. Badcliffe,

Thank you for notifying
us of the Petition for
Judicial Review filed by
LENORA JACKSON-CHAPMAN,
Civil Action No. 3-C-96-11216.

Because Mrs. Jackson-
Chapman is clearly in
flagrant violation of
zoning requirements, and
because two previous
petitions have been
denied by the County
Board of Appeals,
we hereby register
our opposition to this
petition, Civil Action
No. 3-C-96-11216.

Respectfully,
James T. Baile
James S. Baile

4014 Raleigh Rd.
Baltimore, MD
21208-5717

Law Offices
MICHAEL P. TANCZYN, P.A.

Suite 106, 606 Baltimore Avenue
Towson, Maryland 21204
(410) 296-8823 - (410) 296-8824
Fax: (410) 296-8827
Computer Fax: (410) 296-2848

June 6, 1997

Civil Clerk
Baltimore County Circuit Court
County Courts Building
401 Bosley Avenue
Towson, MD 21204

RECEIVED
COUNTY BOARD OF APPEALS
97 JUN -9 PM 1:51

Re: In Re: Lenora Jackson-Chapman and Barry Chapman
Circuit Court Case Number 03-C-96-011216

Dear Madam Clerk:

Our appearance was entered with the filing of the Memorandum of Law in this case.
Could you kindly send us a copy of the Scheduling Order showing the hearing date and time at
your earliest opportunity?

Thank you for your assistance in this regard.

Very truly yours,

Michael P. Tanczyn

Michael P. Tanczyn

MPT/ed

cc: Lenora Jackson-Chapman and Barry Chapman
County Board of Appeals for Baltimore County
Villa Nova Community Association, Inc.

Dictated but not read.

12/5/96

To the Board of Appeals

As the Zoning Chairman of the
Villa Nova Community Assn. Inc, I,
Joan U. Alston, hereby verify that
I received ^{the originals} ~~copies~~ of the attached
copies.

Joan U. Alston

- ① 11-15-96 LTR. FROM VILIA NOVA C.A.
- ② 11-20-96 LTR. FROM MR/MS. R. WILLIAMS
- ③ 11-18-96 LTR. FROM GEO. GEPHARDT

VILLA NOVA COMMUNITY ASSOCIATION, INC.
Villa Nova, MD 21207
(410)484-4958

November 15, 1996

Ms. Charlotte E. Radcliffe
County Board of Appeals of Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland, 21204

Re: Civil Action No. 3-C-96-11216

Dear Ms. Radcliffe:

Thank you for the copy of your letter of November 7, 1996,
addressed to Mr. and Mrs. Williams.

As the representative of the Villa Nova Community Association, Inc.,
I oppose the petition for Judicial Review of the decision made by the
County Board of Appeals in this case.

As stated by the County Board, the property at 4114 Buckingham Road
does not show any unique features which may require specific action
to make an exception in regard to existing zoning laws. However, the
garage at 4114 Buckingham Road causes harm to the adjoining property
of 4116 Buckingham Road (soil erosion from rain water), and it
presents a fire hazard by only allowing 8 feet of distance between
the garage and the adjoining house. In addition, the structure of the
garage changes the general characteristics of this scenic neighborhood,
thereby causing loss of property values in the area.

Very truly yours,

Joan Alston

Joan Alston, Zoning Chairman, 7205 Prince George Road, Villa Nova, MD 21207, (410)484-4958

Mr. & Mrs. Richard B. Williams
4116 Buckingham Road
Baltimore, MD 21207

Re: Civil Action No. 3-C-96-11216
Lenora Jackson-Chapman

November 20, 1996

Sir:

This letter is being written to protest the possible overruling of the two lower courts decision regarding the application for a variance located at 4114 Buckingham Rd. Our reasons are as follows:

1. The Chapman's home does not meet the minimal requirements for being a unique property for a variance.
2. The structure is built on 2 Ft. over the property line.
3. The structure was built without obtaining the proper permits in a timely manner before starting construction.
4. The enormous water damage and soil erosion already done to our property.

We would hope that once the evidence and facts are reviewed, that your conclusion would be to uphold the two lower courts decision and deny the petition for a variance.

Thank You,

Mr + Mrs Richard B. Williams

GEORGE W. GEBHARDT

3629 Sussex Road Baltimore, MD 21207-3818 410-484-2584

e-mail: gebhardt@vndesign.com

November 18, 1996

Ms. Charlotte E. Radcliffe for
Ms. Kathleen C. Bianco
Legal Administrator
COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
Old Courthouse, Room 49
400 Washington Avenue
Towson, MD 21204
887-3180

re: Case Number 96-69-A
 Lenora Jackson-Chapman
 4114 Buckingham Road, 21207

Dear Ms. Radcliffe and/or Ms. Bianco:

I have a copy of the final Opinion and Order issued October 4 by the County Board of Appeals of Baltimore County in the above captioned matter.

I understand the Chapmans are appealing this case to the Circuit Court for Baltimore County. I continue to oppose the Chapman's zoning violations. Please advise me of any court dates.

A voluminous pile of exhibits exist in this case. At one point, those exhibits were in the custody of the original zoning hearing officer. I want those exhibits and findings to carry forward to the Circuit Court case.

Ms. Joan Alston continues as the official representative of the VILLA NOVA COMMUNITY ASSOCIATION. Ms. Denise Cutair is our new president. Please ask the Circuit Court to contact them and all other complainants and witnesses in this case.

Very truly yours,

George W Gebhardt

GEORGE W. GEBHARDT
Complainant

NOV 21 1996

Case Number 96-69-A
Lenora Jackson-Chapman
4114 Buckingham Road, 21207
Page 2 of 2

cc: Ms. Joan Alston
Zoning Officer
VILLA NOVA COMMUNITY ASSOCIATION, INC.
7205 Prince George Road
Baltimore, MD 21207
484-4958

Ms. Denise Cutair
President
VILLA NOVA COMMUNITY ASSOCIATION, INC.
4008 Buckingham Road
Baltimore, MD 21207
486-5394

zone1118.doc 11/18/96

Kurt S Hammond
4101 Buckingham Rd
Baltimore, MD 21207
(410)653-9847

July 17, 1996

Board of Appeals
400 Washington Ave - Rm 49
Towson, MD 21204

Re: 96-69-A

Dear Board of Appeals:

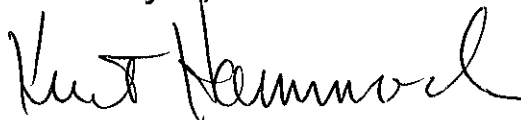
I am writing today in case I am unable to appear at the hearing in person. I live several houses down the street from 4114 Buckingham Rd and am in complete agreement with the neighbors of that property.

The garage in question could not possibly have been built with a county permit, it looks like a shanty that could fall down at any moment. Furthermore, I understand that it was built in violation of zoning requirements that stipulate a minimum distance between dwellings.

I would urge the Board not to grant a zoning waiver. It would be most unfair to the next-door neighbors, and in my opinion would diminish the integrity of the whole neighborhood.

I would normally never dream of interfering with a neighbor's handling of his or her own property, but in this case I feel compelled to speak out.

Thank you,



Kurt Hammond

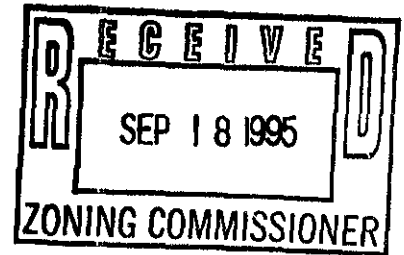
96 JUL 19 11:13:31

MICROFILMED

RE: Case No: 96-69-A

September 16, 1995

Richard B. & Cynthia A. Williams
4116 Buckingham Road
Baltimore, MD 21207



Dear Mr. Commissioner:

We are writing to let you know of our opposition to the building of the garage at 4114 Buckingham road own by Lenora and Barry Chapman. We opposed the garage because of the following:

1. The distance between the two houses is 16 ft. which the garage is built directly on the property line which is against zoning laws.
2. because the structure is too close to our property, it drives down the value of our property.
3. If the systems allows one family to break the law, anyone who wants to break the zoning laws can do so without facing any consequences.

I would hope that the systems that put the zoning laws on the books to preserve our communities would also enforce the laws to protect our communities.

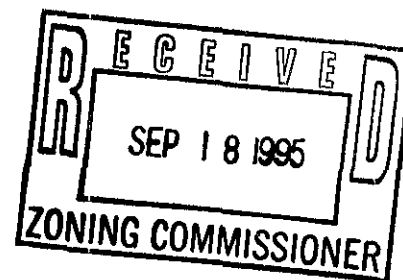
Sincerely:

Richard B. Williams

Richard B. Williams

Cynthia A. Williams

Cynthia Alexander-Williams



Paul and Pam Bowman
4118 Buckingham Road
Baltimore, MD 21207

RE: Case No: 96-69-A

September 15, 1995

To Whom It May Concern,

We are writing this letter in protest against the garage that is being built onto the home at 4118 Buckingham Road, Baltimore, MD 21207. This structure is clearly in violation of the zoning laws of Baltimore County. It is our understanding that the zoning laws were put in place to protect the rights of the community.

We have lived in our home at 4118 Buckingham Road for five years and strongly feel that this structure will cause a decrease in our property value. We have always taken great pride in keeping our home and neighborhood in a condition that is both attractive and safe to raise our family in. The appearance of our neighborhood and the strong community and family atmosphere was what first drew us to Baltimore County in the first place.

We hope that you will consider our feelings when making your decision on this matter. Thank you for your time.

Sincerely,

A handwritten signature in cursive script, appearing to read "Paul M. Bowman".

Paul M. Bowman

A handwritten signature in cursive script, appearing to read "Pam W. Bowman".

Pam W. Bowman

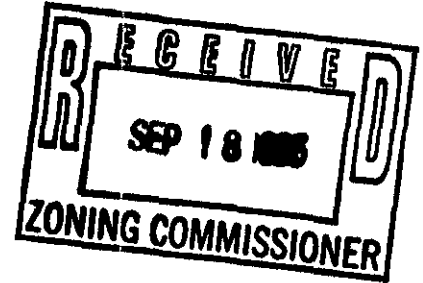
MICROFILMED

VILLA NOVA COMMUNITY ASSOCIATION, INC.

Villa Nova, MD 21207

(410)484-4958

Mr. Larry Schmidt
Zoning Commissioner
Baltimore County



September 16, 1995

Joan Alston
7205 Prince George Road
Baltimore, MD 21207
(410)484-4958

Re: Case No 96-69 A, 4114 Buckingham Road, 21207 - Variance

Dear Mr. Larry Schmidt:

Confirming Mrs. Rosey Poole's letter I also would like to express my strong objections to the construction of a garage at 4114 Buckingham Road. I have lived in Villa Nova since 1966. I have a house at 7219 Prince George Road due to flood damage (hurricane Agnes in 1972) and am willing to do all in my power to help the observance of the law and maintain the beauty of this residential area. I know I am also speaking for most of my neighbors and all members of the Board of the Villa Nova Community Association, Inc.

Sincerely,

A handwritten signature in cursive script that reads "Joan Alston".

Joan Alston
Vice President & Zoning Chairman
Villa Nova Community Association, Inc. (VNCA)

cc: Rosalie M. Poole President - VNCA

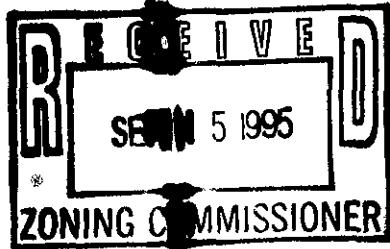
Joan Alston, Zoning Chairman, VNCA

7205 Prince George Road, Villa Nova, MD 21207, (410)484-4958

MICROFILMED

Villa Nova Community Association, Inc.

Mr. Larry Belmont
Zoning Commissioner
Baltimore County



September 14, 1995

Rosalie M. Poole
4110 Villa Nova Road
Baltimore, MD 21207
(410)653-8610

Re: 4110 Villa Nova Road, 411 Buckingham Road, 21207

Dear Mr. Belmont:

The Villa Nova Community Association, Inc. strongly objects to the construction of a garage for 4110 Villa Nova Road. The reasons are two-fold:

First, the property owner admitted to the use of the garage for storage of vehicles and vehicles which have previously been parked in the back yard of their property.

Second, the property owner is circumventing the law by having stated the construction below when in fact the application stated that the garage would be a distance of 15 feet from the property line. The distance between their house (residence) and the property line was only 10 feet. The garage is now attached to the house and extends up to the property line, thus violating their neighbors' rights.

The property owner is circumventing the law by having stated the construction below when in fact the application stated that the garage would be a distance of 15 feet from the property line. The distance between their house (residence) and the property line was only 10 feet. The garage is now attached to the house and extends up to the property line, thus violating their neighbors' rights.

Rosalie M. Poole

Rosalie M. Poole, Secretary, Villa Nova Community Association, Inc. (410)653-8610

Rosalie M. Poole, Secretary, Villa Nova Community Association, Inc. (410)653-8610

cc: Mr. Belmont
cc: Mr. Belmont

(410)653-8610
cc: Mr. Belmont

ENCLOSURE

GEORGE W. GEBHARDT**3629 Sussex Road □ Baltimore, MD 21207-3818 □ 410-484-2583**

September 17, 1995

Mr. Larry Schmidt
Zoning Commissioner
Baltimore County Maryland 21204
FAX number 887-3468



re: Case Number 96-69-A
4114 Buckingham Road
Villa Nova neighborhood 21207
(Lenora P. Jackson-Chapman and or Barry Chapman)

Mr. Schmidt:

As a homeowner in Villa Nova, I am always concerned about changes to structures that may negatively impact on the property value of my property and my neighbors' property.

I have done some research on the garage attached to the right side of 4114 Buckingham Road Villa Nova, Baltimore County 21207. On September 17-18, I:

- visited Jackson/Chapman briefly. I asked Ms. Jackson about the building permit and electrical permit for the 4114 garage, and about the litigation I had heard that Jackson/Chapman instituted against the previous owners of 4116 Buckingham Road Rick and Pamela Klinehamer. In less than 30 seconds, Ms. Jackson insisted I leave.
- met for over one hour with the neighbors at 4116 Buckingham, Mrs. Cynthia Alexander-Williams and Mr. Richard Williams.

Here are some findings.

1. **The 4114 garage & the property line**

- 1. The Williams showed me a survey done circa May 1995 for their property at 4116. The 4116 lot is 25 foot frontage and the 4116 house is about 8 feet from the 4114-4116 property line.

About 16 feet 8 feet on each side to the property line, separate the houses at 4114 and 4116. That suggests that the 4114 garage, which may be wider than 8 feet, cannot be built and still be completely on the 4114 homeowner's property.

1711

Mr. Larry Schmidt
Zoning Commissioner
Case 96-69-A - 4114 Buckingham Road 21207
Page 2

3. There is no doubt that attached to the side of the 4114 house (the side facing 4116) is a garage.
4. I could not measure the width of the garage because Ms. Jackson insisted I leave.

Low-level litigation

1. Despite the previous owner of 4116, Rick and Pamela Klinehamer, having a valid permit for a fence *on the 4116 property*, Jackson/Chapman instituted a pro se legal action against The Klinehamers, because of the 4116 fence.
2. It appears the Jackson/Chapman litigation was retaliation for The Klinehamers protesting the Jackson/Chapman garage. The papers were drafted by Jackson/Chapman without an attorney. About the time of the closing of the sale of 4116 from The Klinehamers to The Williams, Jackson/Chapman withdrew the suit. It is questionable whether the suit was ever actually filed in the Circuit Court for Baltimore County.
3. The suit, with a maximum face value of \$3,000, appears to be drafted merely to hold up the 4116 settlement. The Klinehamers' attorney told The Williams that the suit would never see a courtroom unless Jackson/Chapman had a survey done for 4114.
4. Later, after 4116 was sold to the Williams, Jackson/Chapman asked the Williams to give Jackson/Chapman an easement (I assume for that part of the Jackson/Chapman garage that may well be *on the Williams' property*). The Williams have the hand done, error-riddled paper that Jackson/Chapman drafted seeking the easement. Jackson/Chapman want the paper back.
5. Mr. Williams stated he put up basically the same fence that Rick Klinehamer had built. During construction, Ms. Jackson became so upset that one Baltimore County police officer told a second officer to "lock her up."
6. When Mr. Williams showed the police his May 1995 survey for 4116, the police informed Ms. Jackson that Mr. Williams was within his rights to build the fence and that Ms. Jackson should stay off Mr. Williams property or she'd be guilty of criminal trespass.

Mr. Larry Schmidt
Zoning Commissioner
Case 96-69-A - 4114 Buckingham Road 21207
Page 3

2 Building & electrical permits?

- 1 The Williams stated that when Jackson/Chapman secured a building permit from Baltimore County for the garage, Jackson/Chapman told the County that even after the garage was up that there would still be a 15' setback between the outside of the new garage and the 4114 property line. That could not be true since there is only about 15' from the side of the 4114 house to the 4114 property line (and of course, now that the garage is up, Jackson/Chapman is seeking a zero foot setback variance).
- 2 Sometime during this period, Jackson/Chapman stated to the Williams that they, Jackson/Chapman, were merely informing the Williams that the Jackson/Chapman garage was going up.
- 3 I asked Mr. Chapman if Jackson/Chapman had called for and gotten a rough-in building inspection. He acted as if he did not know what was a rough-in inspection.
- 4 I asked Mrs. Jackson if Jackson/Chapman had a building permit for the garage. She declined to answer. At that moment Mrs. Jackson insisted I leave her front porch.
- 5 Mrs. Williams told me she never saw a building permit posted for the garage.
- 6 Mrs. Williams told she saw a red sticker on the front of the garage indicating that the Jackson/Chapman garage had failed a building inspection.
- 7 Because most garages have lighting, I wonder whether Jackson/Chapman secured an electrical permit for electrical work done in the garage. There is at least one light in the garage.

3 Other considerations

- 1 The little I saw of the workmanship of the garage suggests the quality of the construction may not be the highest.
- 2 Mrs. Williams told me while the workmen were working on the Jackson/Chapman garage, the workmen were definitely on The Williams' property. This area exists and is far less than 8 feet from the 4116 side of the Jackson/Chapman garage to the 4114 property line.
- 3 Mrs. Williams stated that Mr. Chapman walked to the back yard separating the 4114 and 4116 properties and, on the 4116 side of the existing stockade fence, erected a second thin, "property line barrier." This barrier may or may not be on the 4114 property line. Mr. Williams believes this barrier is on The Williams' property and, because of Jackson/Chapman's possible behavior, has not removed the barrier. He has taken photos.

Mr. Larry Schmidt
Zoning Commissioner
Case 96-69-A - 4114 Buckingham Road 21207
Page 4

4. Additional zoning violation?

On the other side of the 4114 house is an permanent attachment that appears to close to the property line at 4112 Buckingham Road. I would be interested to learn:

1. if a building permit was ever issued for that attachment, and if that is not a separate zoning violation (too close to the 4112-4114 property line)
2. if there is any fighting in that addition, whether Jackson-Chapman obtained an electrical permit

5. Do you advise zoning variance?

It may be that Jackson-Chapman are in violation of both zoning law and building law. It may be that Jackson-Chapman believe now that they are getting resistance that they will ask for both zoning and building OKs, and can parlay that into a retroactive building OK.

I want to be advised of and will attend any hearing that involves the 4114 Buckingham Road property. Because of Mrs. Jackson's behavior, I really do not want Jackson-Chapman to know what I am doing.

Very truly yours,

GEORGE W. GEBHARDT
10200 Old Orchard Street, #106

cc: Robert W. Williams and Mrs. Cynthia Alexander Williams
10200 Old Orchard Street
Baltimore, MD 21207
410-526-1122

TO MR LARRY SCHMIDT
BALTIMORE COUNTY ZONING BOARD
111 W CHESAPEAKE AVE
TOWSON, MD 21204



RE CASE NO 96-69-A

DEAR SIR,

AS RESIDENTS OF THE VILLA NOVA
COMMUNITY FOR OVER FORTY YEARS, WE HAVE A
STRONG INTEREST IN PRESERVING ITS UNIQUENESS.

ALTHOUGH ONLY LITTLE ENCRAGEMENT ON
THE ZONING REGULATIONS MAY IN ITSELF SEEM
INNOCUOUS, THE CUMULATIVE EFFECT OVER A
PERIOD OF TIME OF MANY SUCH VIOLATIONS
WILL NEGATIVELY IMPACT THE COMMUNITY IN
THE DETRIMENT OF ALL HOMEOWNERS.

FOR THIS REASON, WE URGE THAT
VARIANCE BE DENIED AT 7114 BUCKINGHAM
RD AND THAT THE EXISTING ZONING
REGULATIONS BE ENFORCED.

SINCERELY

IRVING AND JANE BASIL

4014 RACINE PT

BALTIMORE, MD 21208

MICROFILMED

PLEASE IF YOU COULD FAX THIS TO THE
BOARD BUT HANG ON TO THE ORIGINAL
AND TAKE TO JOAN ASHER

Request for Variance

August 28, 1995

Hi,

My name is Lenora Chapman and I live at 4114 Buckingham Road. My husband, Barry and I applied to zoning to request a variance. A zoning variance can be requested each time a plan is created or a zoning ordinance enacted. Example, is when a owner wants to change the uses of their property. In our case we would like to change our carport into a garage. A variance can allow you to uses of property that donot meet zoning requirements, Even when the change is on your own land. If you have no legitimate reason why we should not continue uses of our garage, please sign below.

Thank-You

1. Jerry F. Craig 4113 Buckingham Rd. Baltimore MD. 21207
2. Valerie Turner 4113 Buckingham Rd
3. Doretha Thompson
4. Loren A. Mark 4113 Buckingham Rd Baltimore 21207
- 5.
6. Stanley Ferguson 4120 Buckingham RD 21207
7. Osborne D. McCarter 4128 Buckingham Rd. Balto. 21207
8. Elna McCarty 4128 Buckingham Rd. 21207
9. Elsie O. O'Scfe 4117 Buckingham Rd Balto 21207
10. Cecile O. O'Scfe 4117 Buckingham Rd Balt. Md 21207.
- 11.
- 12.
13. Willie Hilton 4115 Buckingham Rd 21207
- 14.
15. Augustus D. Harris I 4112 Buckingham Rd. 21207
16. Augustus D. Harris 4112 Buckingham Rd 21207
17. Blanche M. Lewis 4110 Buckingham Rd. 21207
18. Joy Williams 4111 Buckingham Rd 21207
19. H. Hoffman 4104 Buckingham Rd 21207
- 20.
- 21.
- 22.
- 23.
- 24.
- 25.
- 26.
- 27.
- 28.
- 29.
- 30.

Additional Signatures Will Follow

NOT FILMED

Mr. Fred Cooper

887-3335

Zoning

887-3391

MARYLAND DEPARTMENT OF ASSESSMENTS AND TAXATION
REAL PROPERTY SYSTEM
BALTIMORE COUNTY

06/19/95

PRIMARY SCREEN

DISTRICT: 03 ADPT NO: 0310047070

SUBDIST:

OWNER NAME / MAILING ADDRESS

JACKSON LENDRA P
4114 BUCKINGHAM RD
BALTIMORE

MD 21207-1615

DEED REF: 1- 03/57/776

PLAT REF: 1- 3/ 101

EXEMPT STATUS: 01 000

PRINCIPAL
RESIDENCE
YES

PREMISE ADDRESS
4114 BUCKINGHAM RD

TOWN	SEC	ADVAL	TAX	LAND	COUNTY
000	000	000	000	R	04

LEGAL DESCRIPTION

PT LT 20
615 S CAMP HILL RD
VILLA NOVA

IND 0000 PARCEL SURV DIV PLAT SECT BLOCK LOT
70 20 400 0 0

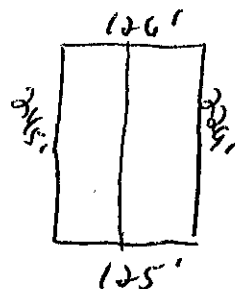
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12/04/77

460,000

PRESS: <F1> VALUES SCREEN

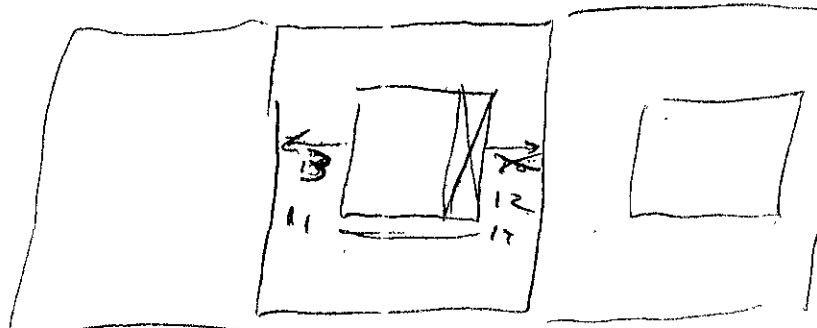
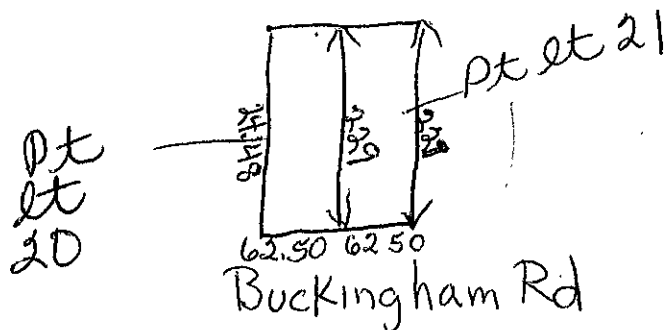
<F3> SELECT NEXT PROPERTY



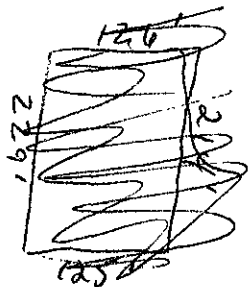
62.50

D.R. 3.5

Side must total 25'-1
minimal of 10'



MICROFILMED



Varian

MARYLAND DEPARTMENT OF ASSESSMENTS AND TAXATION
REAL PROPERTY SYSTEM
BALTIMORE COUNTY

06/17/95

PRIMARY SCREEN

DISTRICT: 03 ACCT NO: 0326020490

SUBJECT:

OWNER NAME / MAILING ADDRESS
WILLIAMS RICHARD PERLIN
ALEXANDER WILLIAMS CYNTHIA
4116 ROCKINGHAM RD
BALTIMORE MD 21207

DEED REF ID 7330567 US

PLAT REF ID 57 101

EXEMPT STATUS/CLASS

PRINCIPAL RESIDENCE

0 000

YES

PREMISE ADDRESS
4116 ROCKINGHAM RD

TOWN CODE	SEC CODE	ADVAL CODE	TAX CLASS	LAND USE	COUNTY USE
000	01	000		R	04

LEGAL DESCRIPTION

4116 ROCKINGHAM RD
VILLA NOVA
TRANSFERRED FROM KLINEMAYER RICHARD F
06/01/95 1112.000

PRESS: <F1> VALUES SCREEN <F2> RETURN TO LIST SCREEN <F3> SELECT NEXT PROPERTY

MARYLAND DEPARTMENT OF ASSESSMENTS AND TAXATION
REAL PROPERTY SYSTEM
BALTIMORE COUNTY

06/17/95

VALUES SCREEN

DISTRICT: 03 ACCT NO: 0326020490

SUBJECT:

OWNER NAME: WILLIAMS RICHARD PERLIN

TOWN CODE: 000

	BASE VALUE	CURRENT VALUE AS OF 01/01/95	PRELIMINARY VALUE AS OF 07/01/95	PHASE-IN ASSESSMENTS AS OF 07/01/94	PHASE-IN ASSESSMENTS AS OF 07/01/95
LAND	20,890	27,400			
IMPT	53,820	57,100			
TOTAL	74,710	84,500	86,500	82,010	84,650

PREL LAND: 0 0 0 0 0

PRIMARY STRUCTURAL DATA
YEAR BUILT 1954
ENCLOSED AREA 1,056 SF

PARTIAL EXEMPT ASSESSMENTS
CODE 07/01/94 07/01/95
COUNTY 000 0 0
CHAFF 000 0 0
MUNICIPAL 000 0 0

LAND AREA: 13,250.00 SF

PRESS: <F1> PRIMARY SCREEN <F2> RETURN TO LIST SCREEN <F3> SELECT NEXT PROPERTY

62.50 ft front

MICROFILMED

10/17/45

VALUES SCREEN

DISTRIBUTION OF AREA NO: 0-5100470000

J

OWNER NAME: JACKSON LEBRON F

TOWN CODE: 000

		CURRENT VALUE	PHASE-IN VALUE	PHASE-IN ASSESSMENTS
BASE VALUE		AS OF	AS OF	AS OF
		07/01/93	07/01/94	07/01/95
LAND	\$	20,660	22,650	
IMPR	\$	59,110	59,860	
TOTAL	\$	79,770	82,510	82,510

PIRELLA GÖTTSCHE LOWE

```

PRIMARY STRUCTURE DATA
YEAR COLLECTED      ENCLOSURE NUMBER
1973                1,356  3F

```

LAND OPEN: 14,632.00 SF

TABLE 1. A1. EXLMP1 - AGSLOCY3METH153

CODE	07701/94	07701/95
COUNTY 000	0	0
CITY 000	0	0
MUNICIPAL 000	0	0

PROCESS: C.F.O. JUDITHA VERN

4.5.2 SELECT NEXT PROPERTY

Circuit Court

8-4"x4"x8'

AN AGREEMENT BETWEEN
RE: BARRY CHAPMAN AND LENORA JACKSON-CHAPMAN
AND
RICHARD WILLIAMS AND CYNTHIA ALEXANDER-WILLIAMS

JUNE 24, 1995.

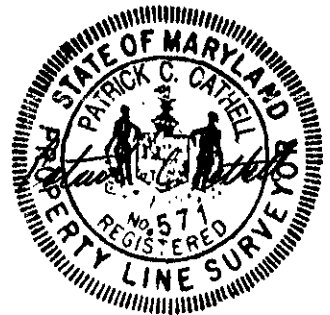
We, the above mentioned parties, do hereby make this agreement and acknowledgement to be our collective act. We agree that the Chapman's will utilize $1\frac{1}{2}$ feet of space on the side of the two homes between their respective properties. The Chapman's property known as 4114 Buckingham Road and the Williams property known as 4116 Buckingham Road. Furthermore, pluses and minuses that exist between the properties and their is not a true boundary survey present. The Williams hereby grant a perpetual easement of $1\frac{1}{2}$ feet of property going in the direction of their home, if the $1\frac{1}{2}$ feet is in fact their property. In which, the Chapman's believe in honorable conscience that the land of $1\frac{1}{2}$ feet is their property. However, this Agreement is final and shall bind our heirs and successors. And assigns their interests in either of the properties.

BARRY CHAPMAN

RICHARD WILLIAMS

LENORA JACKSON-CHAPMAN

CYNTHIA ALEXANDER-WILLIAMS



MICROFILM

Date: 05/10/95

Project: **No. 4116 Buckingham Road**
Villa Nova
Baltimore County, Maryland
 Title Deed: **Liber: 8389, Folio: 751.**
 Plat Ref: **see note***

1 IN THE MATTER OF * BEFORE THE
 2 THE APPLICATION OF * COUNTY BOARD OF APPEALS
 3 LENORA JACKSON-CHAPMAN, et al * OF
 4 FOR VARIANCE ON PROPERTY * BALTIMORE COUNTY
 5 LOCATED ON THE NORTH SIDE OF * Case No. 96-69-A
 6 BUCKINGHAM ROAD, 615' SOUTH * July 24, 1996
 7 OF CAMPFIELD ROAD *
 8 (4114 BUCKINGHAM ROAD) *
 9 3rd ELECTION DISTRICT *
 10 3rd COUNCILMANIC DISTRICT *

11 * * * * *

12 The above-entitled matter came on for hearing
 13 before the County Board of Appeals of Baltimore County at
 14 the Old Courthouse, 400 Washington Avenue, Towson,
 15 Maryland 21204 at 10 o'clock a.m., July 24, 1996.

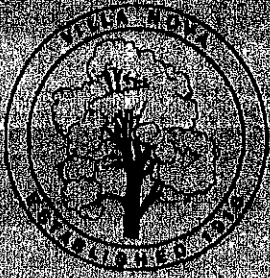
16 * * * * *

17
18
19 ORIGINAL

20 Reported by:

21 C.E. Peatt

RECEIVED



Villa Nova Community Association, Inc.

Qualification of Joan Alston, Zoning Chairman, to appear before the Board of Appeals as a representative of the Villa Nova Community Association, Inc.

Table of Contents:

Villa Nova Community Association, Inc.	
List of Board Members and Officers 1996	1
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Exhibit A - Map of Villa Nova	3
Exhibit B - Resolution of zoning responsibilities	4
Exhibit C - Written Affidavit	5
Exhibit D - Resolution on Board position	6

Is your RETURN ADDRESS completed on the reverse side?

SENDER: <ul style="list-style-type: none"> • Complete items 1 and/or 2 for additional services. • Complete items 3, and 4a & b. • Print your name and address on the reverse of this form so that we can return this card to you. • Attach this form to the front of the mailpiece, or on the back if space does not permit. • Write "Return Receipt Requested" on the mailpiece below the article number. • The Return Receipt will show to whom the article was delivered and the date delivered. 		I also wish to receive the following services (for an extra fee): 1. <input type="checkbox"/> Addressee's Address 2. <input type="checkbox"/> Restricted Delivery Consult postmaster for fee.	
3. Article Addressed to: Lenora + Barry Chapman 4114 Buckingham Rd. Baltimore, MD 21207		4a. Article Number 2054 230 374	
		4b. Service Type: <input type="checkbox"/> Registered <input type="checkbox"/> Insured <input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail <input checked="" type="checkbox"/> Return Receipt for Merchandise	
		7. Date of Delivery BALTIMORE MD	
5. Signature (Addressee) [Signature]		8. Addressee's Address (Only if requested and fee is paid)	
6. Signature (Agent)			

PS Form 3811, December 1991 U.S. GPO: 1993-352-714 DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE

Official Business



PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



Print your name, address and ZIP Code here

Cynthia Alexander-Williams
4116 Buckingham Rd.
Baltimore, MD 21207

Z 054 230 378



**Receipt for
Certified Mail**

No Insurance Coverage Provided
Do not use for International Mail
(See Reverse)

PS Form 3800, March 1993

Sent to <i>Lenora + Barry Chapman</i>	
Street and No. <i>4114 Buckingham Rd.</i>	
P.O. State and ZIP Code <i>Balto MD 21207</i>	
Postage	\$ <i>3.24</i>
Certified Fee	<i>1.60</i>
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	<i>1.60</i>
Return Receipt Showing Date, and Addressee's Address	
TOTAL Postage & Fees	<i>5.24</i>
Postmark or Date	<i>22 1995</i>

Stamp: EUDOWOOD BRANCH, BALTIMORE, MD, OCT 22 1995, USPS

000 POSTAGE 6.40

100 PVI 2.52

TOTAL: \$ 8.92

*** U.S. POSTAL SERVICE ***
EUDOWOOD BRANCH
1238 PUTTYHILL AVE 21266

CLERK #08

DATE: 09/22/95 03:39:55 PM

000 POSTAGE 6.40
100 PVI 2.52

TOTAL: \$ 8.92
CASH TENDERED \$ 20.00
CHANGE \$ 11.08

*** THANK YOU ***

AN AGREEMENT BETWEEN
RE: BARRY CHAPMAN AND LENORA JACKSON-CHAPMAN
AND
RICHARD WILLIAMS AND CYNTHIA ALEXANDER-WILLIAMS

JUNE 24, 1995.

We, the above mentioned parties, do hereby make this agreement and acknowledgement to be our collective act. We agree that the Chapman's will utilize $1\frac{1}{2}$ feet of space on the side of the two homes between their respective properties. The Chapman's property known as 4114 Buckingham Road and the Williams property known as 4116 Buckingham Road. Furthermore, pluses and minuses that exist between the properties and their is not a true boundary survey present. The Williams hereby grant a perpetual easement of $1\frac{1}{2}$ feet of property going in the direction of their home, if the $1\frac{1}{2}$ feet is in fact their property. In which, the Chapman's believe in honorable conscience that the land of $1\frac{1}{2}$ feet is their property. However, this Agreement is final and shall bind our heirs and successors. And assigns their interests in either of the properties.

BARRY CHAPMAN

RICHARD WILLIAMS

LENORA JACKSON-CHAPMAN

CYNTHIA ALEXANDER-WILLIAMS

RECORDED

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Prot. Ex. 3
For I.D.

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

December 12, 1995

Mr. and Mrs. Barry Chapman
4114 Buckingham Road
Baltimore, Maryland 21207

RE: Case No. 96-69-A
Petition for Zoning Variance
Property: 4114 Buckingham Road

Dear Mr. and Mrs. Chapman:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been denied.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Lawrence E. Schmidt".

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
att.

cc: Mr. and Mrs. Richard B. Williams
Mr. and Mrs. Robert F. Hyde
Mr. George W. Gebhardt
Mr. and Mrs. Irving T. Basil
Mrs. Joan Alston

MICROFILMED

1IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
NS Buckingham Road, 615 ft. S
of Campfield Road * ZONING COMMISSIONER
4114 Buckingham Road
3rd Election District * OF BALTIMORE COUNTY
3rd Councilmanic District
Lenora Jackson Chapman, et al * Case No. 96-69-A
Petitioners

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for the property located at 4114 Buckingham Road in the Villa Nova residential subdivision of Baltimore County. The Petition is filed by Barry Chapman and Lenora Jackson Chapman, property owners. Variance relief is requested from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (BCZR) to allow a side yard setback of 0 ft., for an attached garage, and a sum of the side yard setbacks of 10 ft. in lieu of the minimum required 10 ft. and 25 ft., respectively. The subject property is depicted on numerous photographs which were submitted at the hearing and on the site plan which was submitted at the time the Petition was filed. This site plan was marked and received into evidence as Petitioners' Exhibit No. 1.

This matter was originally filed as an administrative variance pursuant to Section 26-127 of the Baltimore County Code. That section permits the Zoning Commissioner to grant variance relief from the strict application of the provisions of the Baltimore County Zoning Regulations without a public hearing for certain owner occupied residential lots. The subject property is residentially zoned (D.R.3.5) and is improved with an occupied single family dwelling. Thus, application was made by the property owners for residential variance relief. Following this application, the property was posted as required. Within the posting period, a request for public

hearing was received from several individuals who reside within 1,000 ft. of the subject property. Thus, pursuant to the provisions of Section 26-127 of the Code., a public hearing was convened to consider this matter.

Appearing at the requisite public hearing held for this case were the Petitioners/property owners. Appearing in opposition to the request were Robert F. and Betty L. Hyde, George W. Gebhardt, Irving T. and Jane S. Basil, Joan Alston and Richard B. and Cynthia A. Williams. Mr. and Mrs. Williams reside immediately next door at 4116 Buckingham Road and are the most affected property owners.

Testimony offered on behalf of the Petition was that Mr. and Mrs. Chapman acquired the property in July of 1986. At that time, they described the site as improved with the subject single family dwelling. However, the dwelling was in somewhat dilapidated condition and the property unkept. Mr. and Mrs. Chapman testified that they have made significant efforts and spent significant sums to upgrade the property. Photographs of the site show that same is now well maintained. In addition to the dwelling, the rear of the lot contains a shed. Examination of the site plan shows the property to be approximately 62.5 ft. wide and 240 ft. deep.

Originally, the property contained an attached carport. This carport was attached to the side of the dwelling which faces the Williams property at 4116 Buckingham Road. Mr. Chapman indicated that there has been an increase in crime in the area. He produced written documentation showing that he has been a victim of crime and that there have been instances of burglary and vandalism. Moreover, Mr. Chapman indicated that a portion of his lot adjacent to the dwelling frequently floods. He indicated that rain flows down the paved driveway and settles in his side yard.

In order to address these concerns, Mr. Chapman constructed an attached single car garage to the dwelling. This garage is shown in a series of photographs which were submitted and is on the side of the property facing the Williams' house. The garage is approximately 47 ft. deep, 10 ft. wide and 15 ft. high. The garage replaced the open carport which existed at this location previously. Due to the garage's location and size, the requested side yard and sum of side yard setback variances were filed. It is of note that the garage was constructed by Mr. Chapman and a friend. A permit was not initially obtained when construction began, however, application for same was ultimately made.

Mr. and Mrs. Williams testified in opposition to the request. Their opposition was joined by other neighbors of the area. They indicate that the garage is located immediately abutting the property line and towers over their side yard. They produced a property line survey (Protestants' Exhibit No. 1) which shows that their house is but 8 ft. from the property line. They observed that this minimal distance is insufficient and that the garage blocks their air, view and light. It was also claimed that the construction of the garage has diverted water runoff into the Williams' yard.

I am appreciative of the Chapmans' concerns regarding crime and their claim to need garage space. Moreover, it appears that their property is generally well kept and that they have improved the site since their acquisition of same. Nonetheless, I am troubled over the fact that the garage was built without a permit. Moreover, the site plan submitted by the Petitioners when the case was filed indicates that the distance from the property line to the Williams' house is 46 ft. The photographs and property line survey submitted by Mr. and Mrs. Williams show that the Chapmans' house is only 8 ft. from the property line, significantly less than the 46

ft. shown. The impact of the garage on the Williams' dwelling located less than 10 ft. away is significantly different than if the house were located, as claimed by the Chapmans, more than 5 times farther away.

Zoning variances must be considered in accordance with the standards set forth in Section 307 of the BCZR. The Petitioner must demonstrate that a practical difficulty would result if strict adherence to the regulations were required. Moreover, in the recent Court of Special Appeals case of Cronwell v. Ward, 102 Md. App 691 (1995), the Court opined that the property owner must demonstrate that the site is unique and different from other properties. As importantly, variance relief can be granted only if same will not be detrimental to surrounding properties.

In this instance, I am not persuaded that the Chapmans have satisfied their burden at law. I particularly find that the garage, as and where constructed, detrimentally affects the adjacent property. This finding, in and of itself, is sufficient to deny the variance. Moreover, the testimony was not persuasive that strict adherence to the regulations would result in a practical difficulty or that the property in and of itself was unique when compared with other parcels. For these reasons, the Petitioner for Variance should be denied and I will so order.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 15th day of December, 1995 that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (BCZR) to allow a side yard setback of 0 ft., for an attached garage, and a sum of the side yard setbacks of 10 ft. in lieu of the minimum required 10 ft. and 25 ft., respectively, be and is hereby DENIED.

The garage shall be removed within 120 days from the date of this Order or, if this Order is appealed, then within 120 days from when a final decision is rendered in this matter.

LES/mmn



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

ZONING VIOLATION INSPECTION RECORD

No. C-1648

Ap. EX.1

Date: 3/13 Inspector: Location: 4114 Buchanan Rd.

Rating:

Strict: Int./Landmark:

Notice: In-Person

Letter

Pick-Up

Structure: Apartment

Dwelling

Other

Phone: 484-2080

Complainant:

Paul Baumann 4118 Buchanan Rd. 21207

Phone:

Attorney:

Address:

Phone:

Occupant:

Address:

Phone:

Owner:

Address:

Phone:

Attorney:

Address:

DETAILS OF COMPLAINT:

6 UV's Commercial Van

Exhibit A

INSPECTION Day: Date: Time:

Violation: Yes ☐ No ☐ Section(s):
Informing Use Claimed: Yes ☐ No ☐ Year:

Day Card - Correction: No. Photos:
INSPECTION Day: Date: Time:

Case () No. Photos:
for Hearing () Time:
INSPECTION Day: Date:

No. Photos:
Time:
INSPECTION Day: Date:

No. Photos:
SUMMONS (✓) Inspector

Exhibit ♦ B.

Mrs. Lenora Jackson

Mrs. Lenora Jackson-Chapman
Mr. Barry Chapman
4114 Buckingham Road
Baltimore, Maryland 21207

Date Aug 29, 1995

RE: Compliance With Zoning, Removal of Vehicles
Case No: C-95-1648 3rd Election District

Dear, Mr. James Thompson

We are writing you to inform you that we have complied with removing the vehicles from the rear yard and the inspectors can contact us to see that the compliance has been met. Thank you very much for your time and consideration in this matter.

Sincerely,

Lenora Jackson-Chapman
Lenora Jackson-Chapman

Barry Chapman
Barry Chapman

cc: Mr. Timothy Fitts, Baltimore County Inspector

LJC/BC/lsg

9. VICTIM NAME (LAST, FIRST, MIDDLE) WILLIAM BARRY NORMAN		10. VICTIM DOB 12/10/40	11. VICTIM SEX M	12. VICTIM RACE W	13. VICTIM HEIGHT 5'10"	14. VICTIM WEIGHT 175	15. VICTIM EYES BRN	16. VICTIM HAIR BRN	17. VICTIM OCCUPATION SALES	18. VICTIM EMPLOYER WAL-MART	19. VICTIM ADDRESS 1500 S. 10th St. Waco, TX 76787	20. VICTIM PHONE 817-798-1234	21. VICTIM BUSINESS PHONE 817-798-1234	22. VICTIM HOSPITALIZED NO	23. VICTIM DECEASED NO
24. NATURE OF INJURY(S) SHOOTING		25. MEDICAL EXAMINER DR. J. SMITH		26. PROPERTY DISPOSITION RECOVERED		27. BODY DISPOSITION RECOVERED		28. VICTIM INVESTIGATOR SA [Name]		29. VICTIM EMPLOYER WAL-MART		30. VICTIM ADDRESS 1500 S. 10th St. Waco, TX 76787		31. VICTIM PHONE 817-798-1234	

24. INVESTIGATIVE INTERVIEWS:

NAME	SEX	RACE	AGE	ADDRESS	INTERVIEW TYPE	RESIDENCE PHONE	BUSINESS PHONE	FACTORS	REMARKS
					W - WITNESS V - VICTIM C - COMPLAINT P - PARENT G - GUARDIAN I - INTERVIEW				

SUSPECT(S)

25-1. SUSPECT ONE: NAME (LAST, FIRST, MIDDLE): WILLIAM BARRY NORMAN ADDRESS: 1500 S. 10th St. Waco, TX 76787 SEX: M RACE: W DOB: 12/10/40 WT: 175 HT: 5'10" EYES: BRN HAIR: BRN CLOTHING: Blue T-shirt / Khaki pants WEAPON: Handgun	25-2. SUSPECT TWO: NAME (LAST, FIRST, MIDDLE): JOHN DOE ADDRESS: 1234 Main St. Waco, TX 76787 SEX: M RACE: W DOB: 01/15/45 WT: 180 HT: 6'0" EYES: BLU HAIR: BLK CLOTHING: Blue jeans / White t-shirt WEAPON: None
---	--

SUSPECT VEHICLE

26. VEHICLE(S): SUSPECT: <input type="checkbox"/> TARGET: <input type="checkbox"/> OTHER: <input type="checkbox"/> RECOVERY: <input type="checkbox"/>	27. YEAR: 1998 28. MAKE: Ford 29. MODEL: Mustang 30. STYLE: Hardtop 31. COLOR (TOP/BOTTOM): Black/Black 32. EQUIPMENT/CHARACTERISTICS: None	33. VIN: 1F351G8G8D0123456 34. REGISTRATION INFORMATION: TX 35. TAG: ABC123 36. METHOD OF INTERFERENCE OF TAMPERING: None 37. LOCATION OF RECOVERY: Waco, TX 38. LOSS VALUE: \$15,000 39. RECOVERY VALUE: \$15,000 40. RECOVERY BY: Police 41. DATE/TIME DRIVER: 8/31/98 42. VEHICLE PROCESSED: Yes 43. VEHICLE USED: Yes 44. TELETYPE NUMBER: None
--	--	--

46. CRIME SCENE TECHNICAL WORK: NONE ☐ CRIME LAB ☐ FIELD ☐ TYPE ☐

PHYSICAL EVIDENCE

47. POINT OF ENTRY: Back Door 48. DIRECTION - MEANS OF TRAVEL: From North 49. PROPERTY DESTROYED: None 50. LOSS VALUE: \$15,000	51. TOOLS - MEANS USED (BE SPECIFIC): Handgun 52. SECURITY SURVEILLANCE INFORMATION: None 53. SECURITY SURVEILLANCE: None
--	---

STOLEN PROPERTY

ITEM	PROPERTY TAKEN	BRAND-DESCRIPTION-IDENTIFYING MARKS, ETC	LOCATION	MODEL	SERIAL	NUMBER	VALUE
1	Bicycle	Murray (Sears) Red/White	Waco	10 Speed			\$75.00
2	Bicycle	Murray - Pink	Waco	10 Speed			\$100.00

54. ARE SIMILAR CRIME/SUSPECT ACTION(S) KNOWN? YES ☐ NO ☒ IF YES LIST CC NUMBER: **None**

55. TOTAL LOSS VALUE: **\$175.00**

IS ANY FORM OR TYPE OF M.O. PRESENT? IF YES, DESCRIBE

56. PROSECUTION: YES ☒ NO ☐ WARRANT/SUMMONS PROCEDURE EXPLAINED: YES ☒ NO ☐

PROPERTY: FOUND/RECOVERED: **Yes** POSSIBLE SYSTEM SEARCH: **Yes** FOLLOW-UP SEARCH INFO: **Yes**

57. MISCELLANEOUS (CONTINUATION, CLARIFICATION, AND ANY PLAINTEXT DATA NOT CONTAINED ABOVE):
Handgun recovered by owner.
New Loss Value \$ 75.00
Exhibit C

58. Distribution	59. INVESTIGATING OFFICER	60. REPORTING AREA	61. REPORTING DATE	62. REPORTING TIME	63. TELETYPE NUMBER	64. STATUS
Chief of Police	SA [Name]	Waco	8/31/98	14:00	817-798-1234	Open

I Lenora Jackson Chapman
is also a member of
the citizen park. in
our community.

MICROFILMED

Exhibit.
D

CAR radio was stolen
in driveway of 4114
Buckingham Rd. Balto. MD. 21207

Report on file at Police
Dept. 8/94.

MICROFILMED

Exhibit D

Exhibit E

BALTIMORE COUNTY, MARYLAND
OFFICE OF THE BUILDING ENGINEER

JOB LOCATION 4114 ROCKINGHAM LP

DISTRICT 2 PCF ---

PERMIT NO. ---

BLDG INSP	887 3953
PLUMB INSP	887 3620
ELEC INSP	887 3960
SHD. CON INSP	887 3226
BLDG. ENG.	887 3373

CORRECTION NOTICE

I HAVE THIS DAY INSPECTED THIS STRUCTURE AND THESE PREMISES AND HAVE FOUND THE FOLLOWING VIOLATIONS OF THE LAWS OF BALTIMORE COUNTY CODE

CODE CABO 112 FAM. SEC 110.1

NO RECORD OF PERMIT ON FILE. PERMIT

IS TO BE ISSUED FOR ATTACHED GARAGE.

THESE CONDITIONS MUST BE CORRECTED NOT LATER THAN DATE 7/14/85
FAILURE TO COMPLY CONSTITUTES A VIOLATION OF COUNTY LAW.

DATE 7/14/85 SIGNED INSPECTOR Grant L. Bell

ALL CORRECTIONS COMPLETE AND APPROVED

DATE --- SIGNED INSPECTOR ---

DO NOT REMOVE THIS TAG

MICROFILMED



BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF PERMITS AND LICENSES
TOWSON, MARYLAND 21204

John R. Rainey
BUILDINGS ENGINEER

BUILDING PERMIT

PERMIT #: B241192 CONTROL #: MR DIST: 03 PREC: 03
DATE ISSUED: 07/12/95 TAX ACCOUNT #: 0310047090 CLASS: 04

PLANS: CONST PLOT 1: R PLAT DATA ELEC NO PLUM NO
LOCATION: 4114 BUCKINGHAM RD
SUBDIVISION: VILLA NOVA

OWNERS INFORMATION

NAME: JACKSON, LENORA
ADDR: 4114 BUCKINGHAM RD

TENANT:

CONTR: OWNER

ENGNR:

SELLR:

WORK: CONSTRUCT GARAGE ON SIDE OF EX SFD.
FOUNDATION TO CODE REQUIRED. CORRECTION NOTICE
ISSUED - NO FEE ASSESSED.
7'X 45'X 15' = 315SF

BLDG. CODE: 1 AND 2 FAM. CODE
RESIDENTIAL CATEGORY: DETACHED

OWNERSHIP: PRIVATELY OWNED

ESTIMATED \$ PROPOSED USE: SFD & ADDITION
2,500.00 EXISTING USE: SFD

TYPE OF IMPRV: ADDITION

USE: ONE FAMILY

FOUNDATION:

SEWAGE: PUBLIC EXIST

BASEMENT:

WATER: PUBLIC EXIST

LOT SIZE AND SETBACKS

SIZE: 62.50 X
FRONT STREET:
SIDE STREET:
FRONT SETB: NC
SIDE SETB: 15'/10'
SIDE STR SETB:
REAR SETB: NC

THIS PERMIT
EXPIRES ONE
YEAR FROM DATE
OF ISSUE

Exhibit F



BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF PERMITS AND LICENSES

TOWSON, MARYLAND 21204

John R. Reing
BUILDINGS ENGINEER

*Exhibit
F*



2 of 2

Exhibit G.



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3610

REQUEST FOR ASSISTANCE

DATE: 7/12/95

PEAH 222

COMPLAINANT INFORMATION:

Name: GUS HARRIS

Address:

Phone: 484-3842

VIOLATION ADDRESS: 4114 BOCKINGHAM RD

ALLEGED VIOLATION: BUILDING GARAGE W/O PERMIT.

INSPECTOR ASSIGNED: GRANT KIDD

DISTRICT: 2

DATE OF INSPECTION: 7/11/95

RESULTS OF INSPECTION: ISSUED CORRECTION NOTICE; ~~PERMIT~~
PERMIT FOR GARAGE.

ACTION TAKEN: CORRECTION NOTICE ISSUED FOR ATTACHED
GARAGE. GAVE CORR. NOTICE TILL 7/14/95.

7/10/75

Mr. Mrs. Chapman

On 7/11/75, Mrs. Chapman informed the undersigned that a letter received from the Baltimore County Inspection Department advised Mr. Chapman that this writer, Augustus H. [unclear] called the inspection department in reference to the [unclear] building a garage into their house.

The undersigned was not aware that the Chapmans were calling a garage. Therefore, this writer did not call the inspection department. It is obvious that someone else did and used this writer's name.

This writer respectfully requests of the Baltimore County Inspection Department to investigate this alleged incident and to report any findings to the undersigned at the address/telephone numbers (410) Buckingham Road, Baltimore, Maryland 21207) (410) 486 1458).

The alleged incident is an attempt to defame this writer's character.

Sincerely,
[Signature]

MICROFILMED

Exhibit H.

EXIST I

BALTIMORE COUNTY, MARYLAND
OFFICE OF THE BUILDING ENGINEER

JOB LOCATION 4114 BUCKINGHAM

DISTRICT 3 REC. 3

PERMIT NO. B 241192

BLDG. INSP. 887-1453
PLUMB. INSP. 887-3620
ELEC. INSP. 887-3960
SFD. CON. INSP. 887-3226
BLDG. ENG. 887-3373

CORRECTION NOTICE

I HAVE THIS DAY INSPECTED THIS STRUCTURE AND THESE PREMISES AND HAVE FOUND THE FOLLOWING VIOLATIONS OF THE LAWS OF BALTIMORE COUNTY CODE.

CODE CABO SEC. R110

NON-COMPLIANCE WITH PERMIT
FAILURE TO OBSERVE SET BACKS
FRAMING NOT TO CODE

THESE CONDITIONS MUST BE CORRECTED NOT LATER THAN DATE: 8/8/95
FAILURE TO COMPLY CONSTITUTES A VIOLATION OF COUNTY LAW.

DATE 7/25/95 SIGNED INSPECTOR Lewis Mayer

ALL CORRECTIONS COMPLETE AND APPROVED

DATE _____ SIGNED INSPECTOR _____

DO NOT REMOVE THIS TAG

MICROFILMED

Baltimore County Government
Department of Permits and Licenses



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3610

REQUEST FOR ASSISTANCE

DATE: 7/26/95

RFA#

COMPLAINANT INFORMATION:

Name: MR Novie

Address:

Phone:

VIOLATION ADDRESS: 4114 BUCKINGHAM RD

ALLEGED VIOLATION: ADDITION TOO CLOSE TO PROPERTY LINE

INSPECTOR ASSIGNED: MAYER

DISTRICT: 3

DATE OF INSPECTION: 7/25/95

RESULTS OF INSPECTION: ~~LEFT CORR. NOTICE~~
ADDITION 7 FT FROM NEXT HOUSE

ACTION TAKEN: LEFT CORR. NOTICE FOR FAILURE TO
OBSERVE SETBACKS

Exhibit J.

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 4114 Buckingham Road
address
Lenora Jackson-Chapman Baltimore, County, Maryland 21207
Barry Chapman City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty) We the applicants are faced with an undue hardship, which was not the result of our actions. Also we need to make reasonable use of our property for off street parking and the difficulties or hardship is peculiar to the subject property in contrast to other properties in the zoning district. There are numerous garages within the block, surrounding blocks and throughout the zoning district. The applicants need to secure the property from theft of property, to also prohibit access to swimming pool area, thereby preventing potential harm to others. Furthermore the garage will be utilized to shield the property from continuous water damage to the property because of lack of drainage on this side of the road.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

(signature)
Lenora Jackson-Chapman
(type or print name)



Barry Chapman
(signature)
Barry Chapman
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 21st day of August, 19 95, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Lenora Jackson-Chapman and Barry Chapman

the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

8-21-95
date

LEON C. PURNELL
NOTARY PUBLIC STATE OF MARYLAND
NOTARY PUBLIC My Commission Expires March 4, 1996
My Commission Expires March 4, 1996

Exhibit K

MICROFILMED



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 4114 Buckingham Road Baltimore County, Md. 21207
which is presently zoned _____

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship & practical difficulty) 1) Prior to 1948 there were no set back requirements and this is when the house was built. 2) With the current set backs, reasonable use of the property can not be utilized for a permitted purpose. 3) Current zoning won't allow us to protect our property from theft, provide off street parking, secure pool area and prevent continuous water damage, because of lack of drainage. This would be an undue hardship.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address Phone No.

City State Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

Lenora Jackson-Chapman
(Type or Print Name)

Lenora Jackson Chapman
Signature

Barry Chapman
(Type or Print Name)

Barry Chapman
Signature

4114 Buckingham Road 410-653-7255
Address Phone No.

Baltimore County, Maryland 21207
City State Zipcode
Name, Address and phone number of representative to be contacted

Lenora Jackson-Chapman

Barry Chapman
Name

4114 Buckingham Road Balto Co. Md. 21207
Address Phone No.
410-653-7255

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this ____ day of _____, 19____, that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted.

Zoning Commissioner of Baltimore County

REVIEWED BY: _____ DATE: _____



Printed with Soybean Ink
on Recycled Paper

ITEM #: _____

K

Exhibit L

Fax To: Mr. Lewis Mayer 410-887-5708
Office 887-3953

August 7, 1995

Mr. Barry Chapman
Mrs. Lenora Jackson-Chapman
4114 Buckingham Road
Baltimore, Maryland 21207
410-653-7255

RE: Permit #B241192 For Property Known as 4114 Buckingham Road
Baltimore, Maryland

Dear, Mr. Lewis Mayer of the Baltimore County Building Inspection Office
Per our conversation today concerning the corrections that need to be
made to the above mentioned property. With regard to the set backs, we
will be applying for a variance on 8-8-95 and will forward you a copy
of the application. Also with regard to the framing we will treat the
lumber today to bring the framing into compliance with the code.
Thank you for your time and consideration in this matter.

Sincerely,

Barry Chapman
Barry Chapman

Lenora Jackson-Chapman
Lenora Jackson-Chapman

MICROFILMED

Exhibit M

Request for Variance

August 28, 1995

Hi,

My name is Lenora Chapman and I live at 4114 Buckingham Road. My husband, Barry and I applied to zoning to request a variance. A zoning variance can be requested each time a plan is created or a zoning ordinance enacted. Example, is when a owner wants to change the uses of their property. In our case we would like to change our carport into a garage. A variance can allow you to uses of property that donot meet zoning requirements, Even when the change is on your own land. If you have no legitimate reason why we should not continue uses of our garage, please sign below.

Thank-You

1. Jerry F Craig 4113 Buckinghams Rd. Baltimore MD 21207
2. Valerie Turner 4113 Buckingham Rd
3. Aprilha Thompson
4. Loretta Mark 4113 Buckingham Rd Baltimore 21207
- 5.
6. Shaffer Ferguson 4120 Buckingham Rd 21207
7. Osborne B McCarty 4128 Buckingham Rd Balto. 21207
8. Elnor McCarty 4128 Buckingham Rd 21207
9. Shae & Cecile 4117 Buckingham Rd Balto 21207
10. Cecile & Orla 4117 Buckingham Rd Balto 21207
- 11.
- 12.
13. Willie Hilton 4115 Buckingham Rd 21207
- 14.
15. Augustina D. Harris 4113 Buckingham Rd 21207
16. M. J. Harris 4112 Buckingham Rd 21207
17. Blanche M. Lewis 4110 Buckingham Rd 21207
18. Joy Williams 4111 Buckingham Rd 21207
19. H. Niffen 4104 Buckingham Rd 21207
- 20.
- 21.
- 22.
- 23.
- 24.
- 25.
- 26.
- 27.
- 28.
- 29.
- 30.

MICROFILMED

Congratulations!

You have placed in the Villa Nova Community Associations "Best Decorated Home" Holiday contest. Please contact me (Rosey) at 653-8610 to arrange receiving your prize.

Thank you,

Happy Holidays,

Rosey Poole

Rosey Poole

President, Villa Nova Community Association

4110 Villa Nova Road

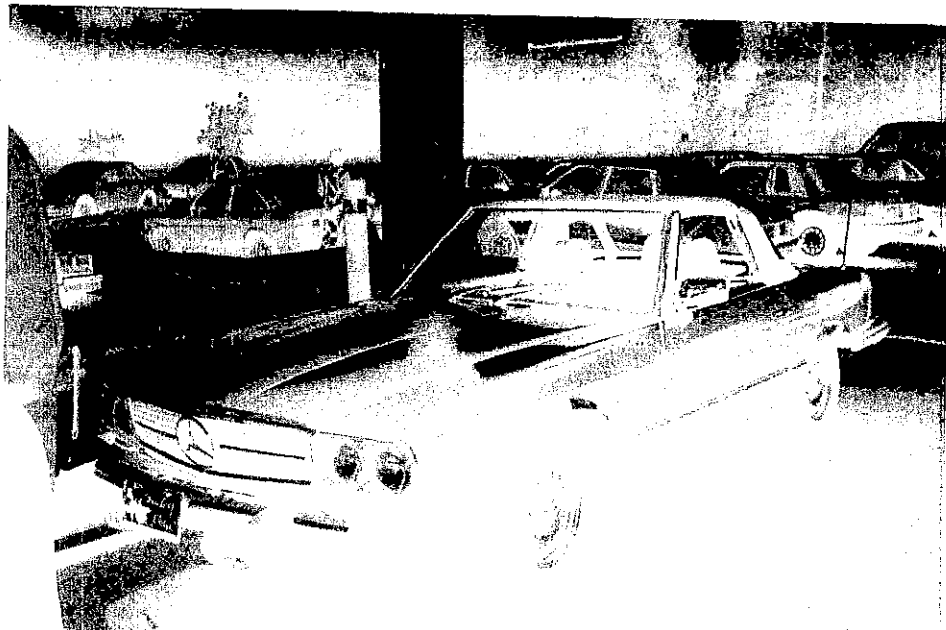
Baltimore, MD 21207

(410)653-8610

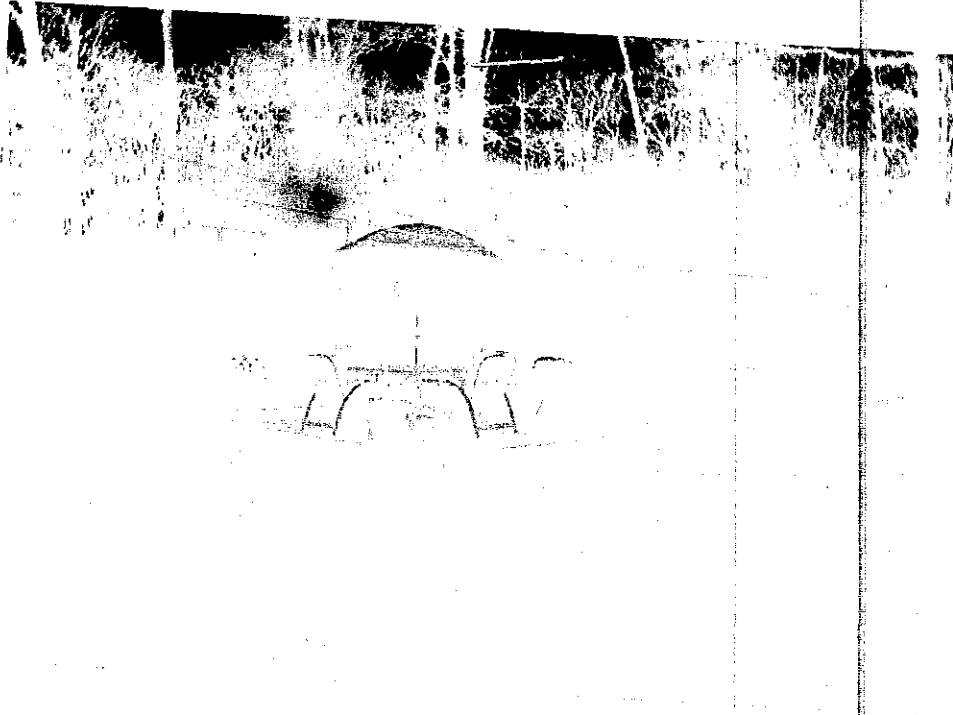
Exhibit

MA

RECEIVED



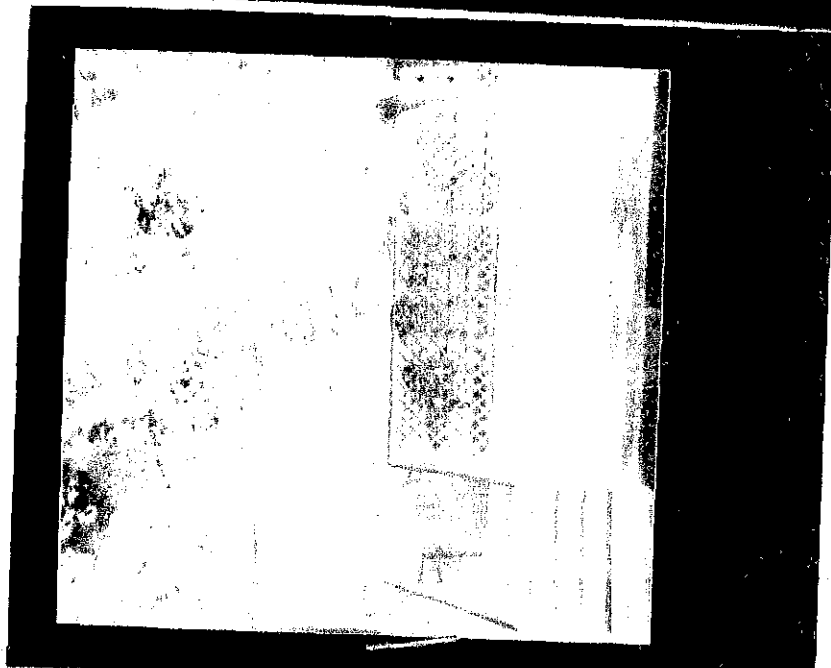
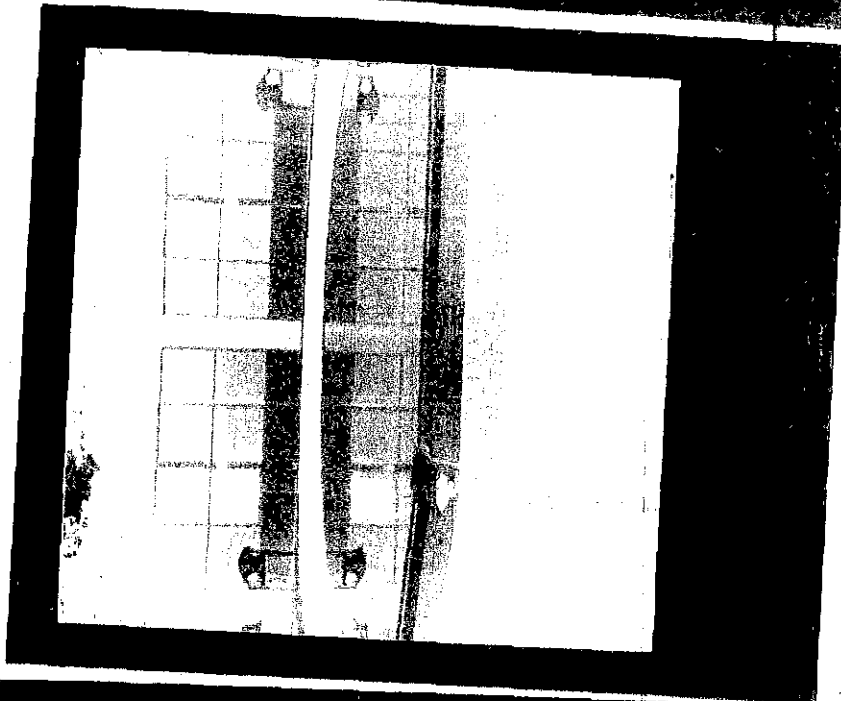
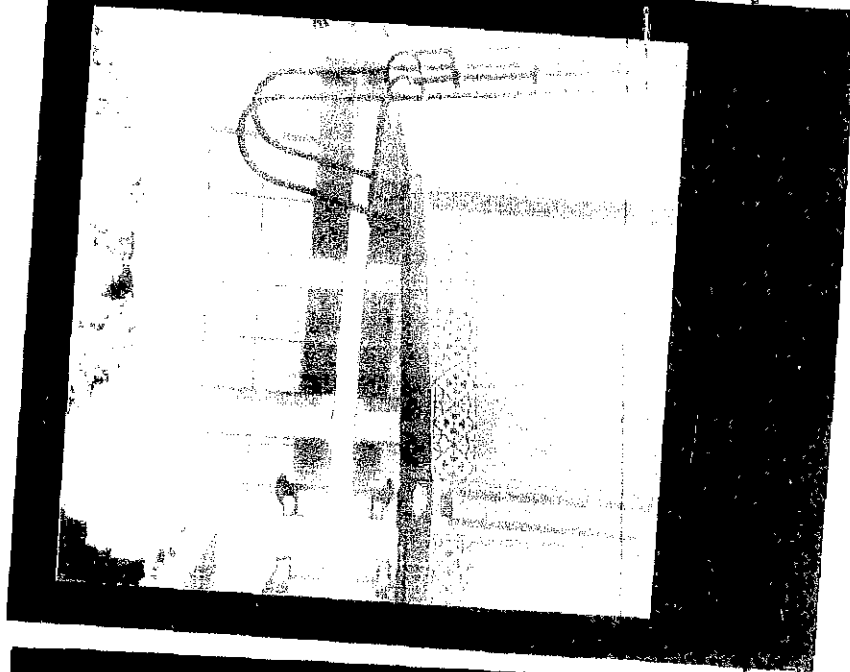
AP Ex. 9
Page 1
Pictures



Page 2 of Pictures
Ap. Ex. 8

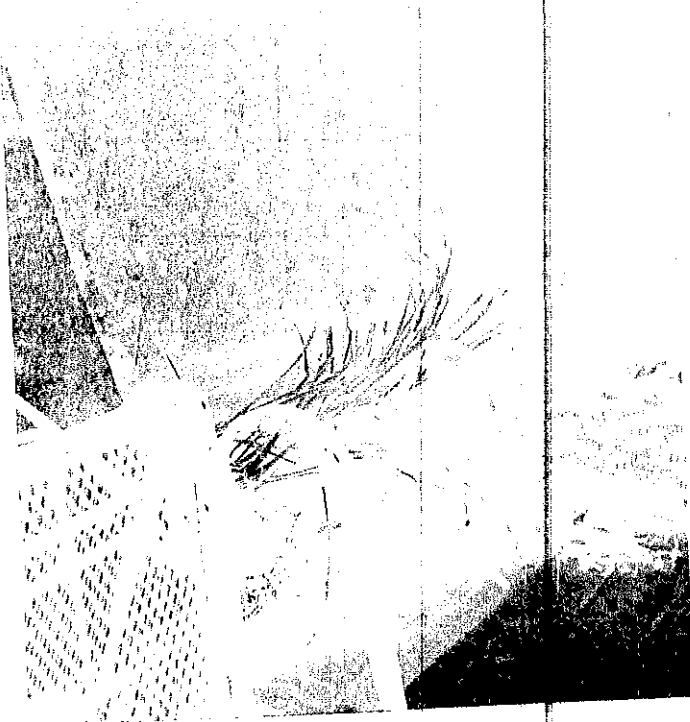


Page 3 of
Ap. Ex. 7 Pictures

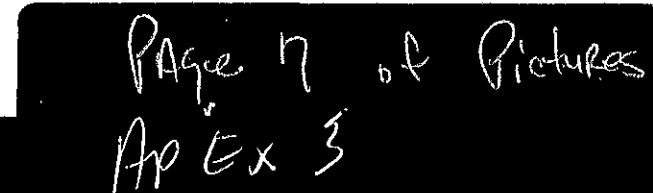


Page 4 of pictures
App. Ex. 6

Picture 5 of Pictures
Ap. Ex. 5



Page 6 of Pictures
Ap. Ex. 4

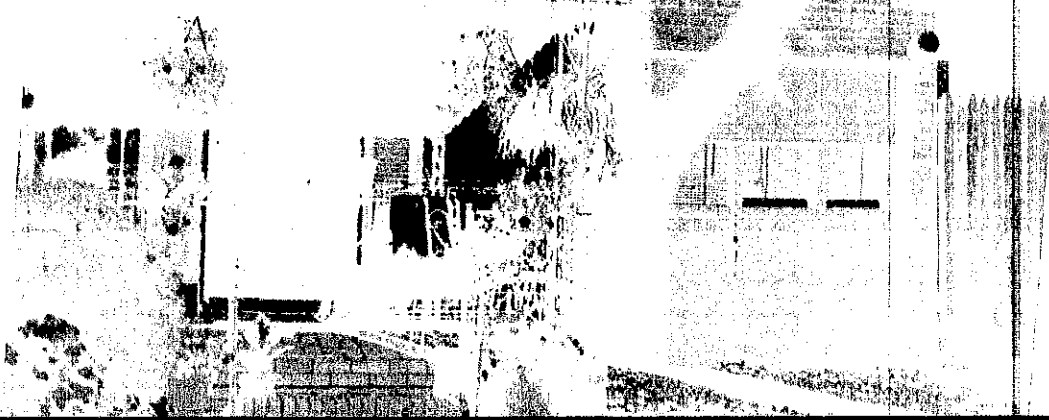
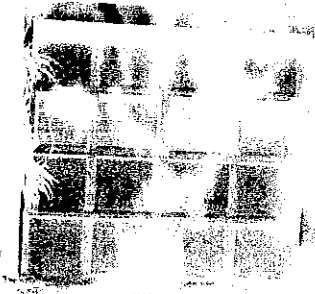
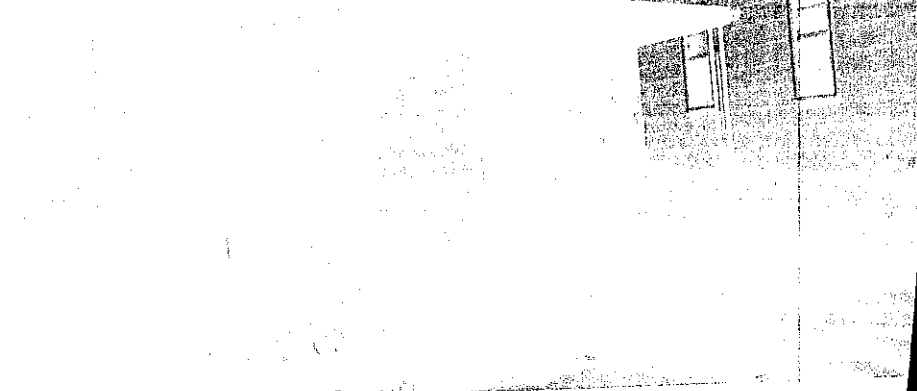


Page 7 of Pictures
Ap Ex 3

Page 8 of Picture
AP. Ex. 10



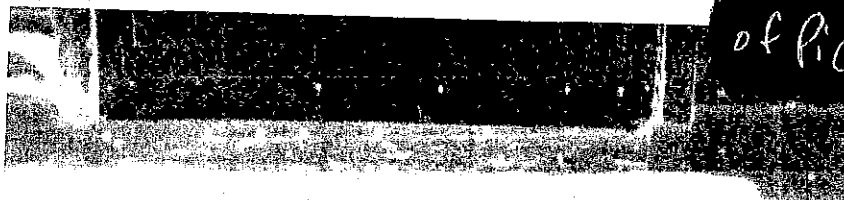
Page 9 of
Pictures Apr Ex 11



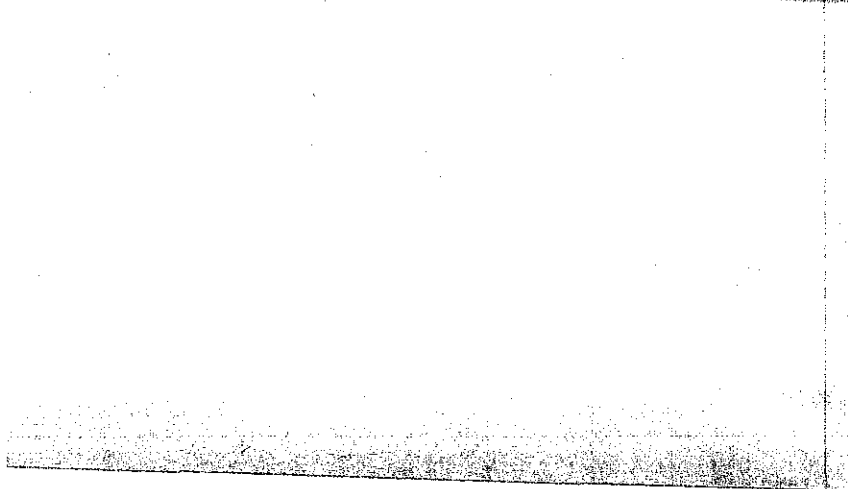


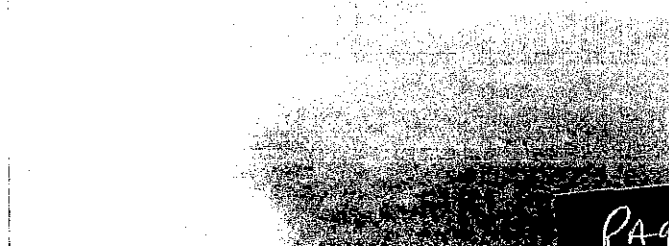
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12
6 pictures



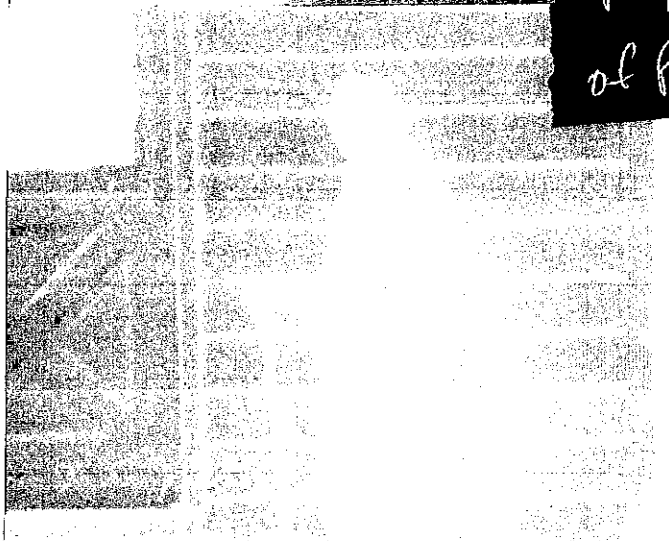


Page 11 Ap.
Ex 13
of Pictures





Page ^{AP Ex} 12 14
of pictures

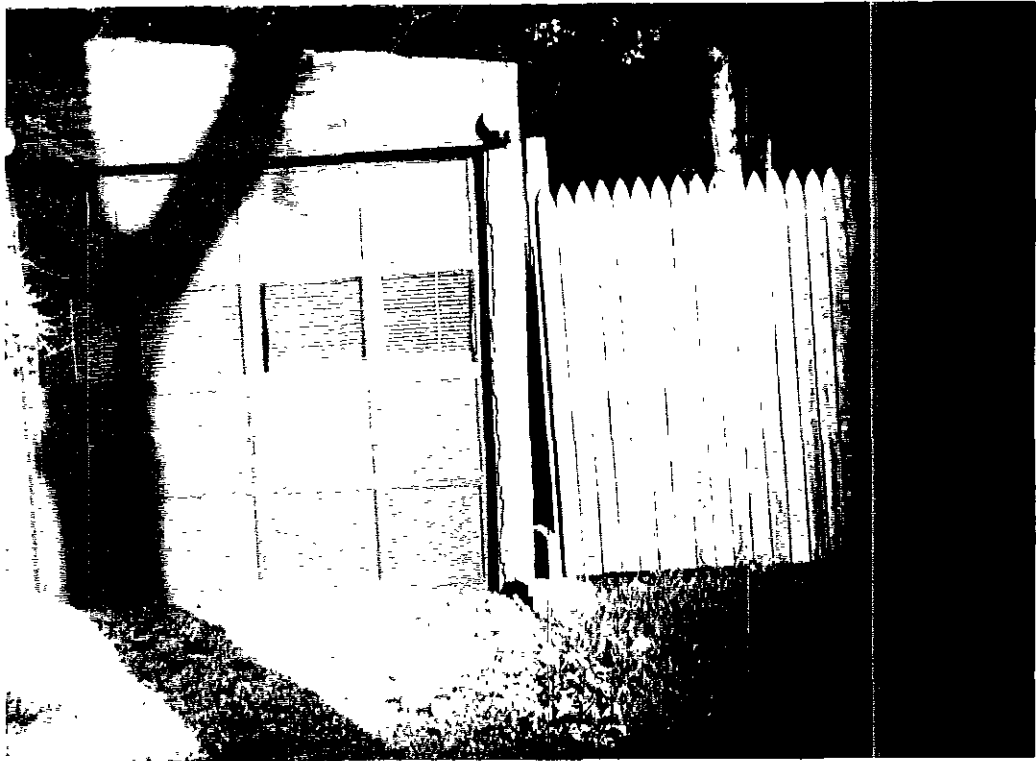


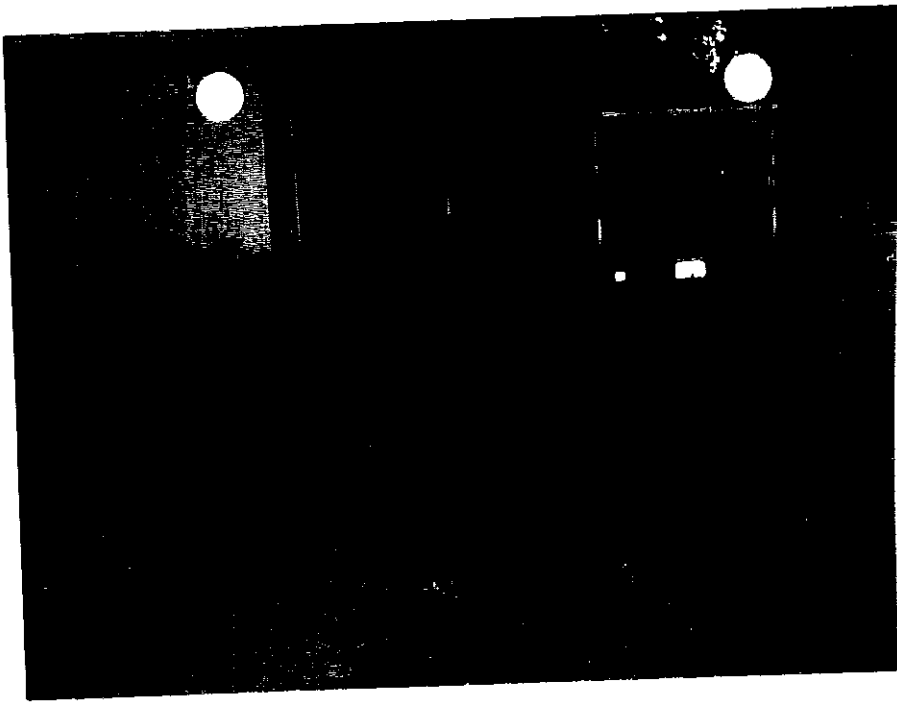
ZONING NOTICE

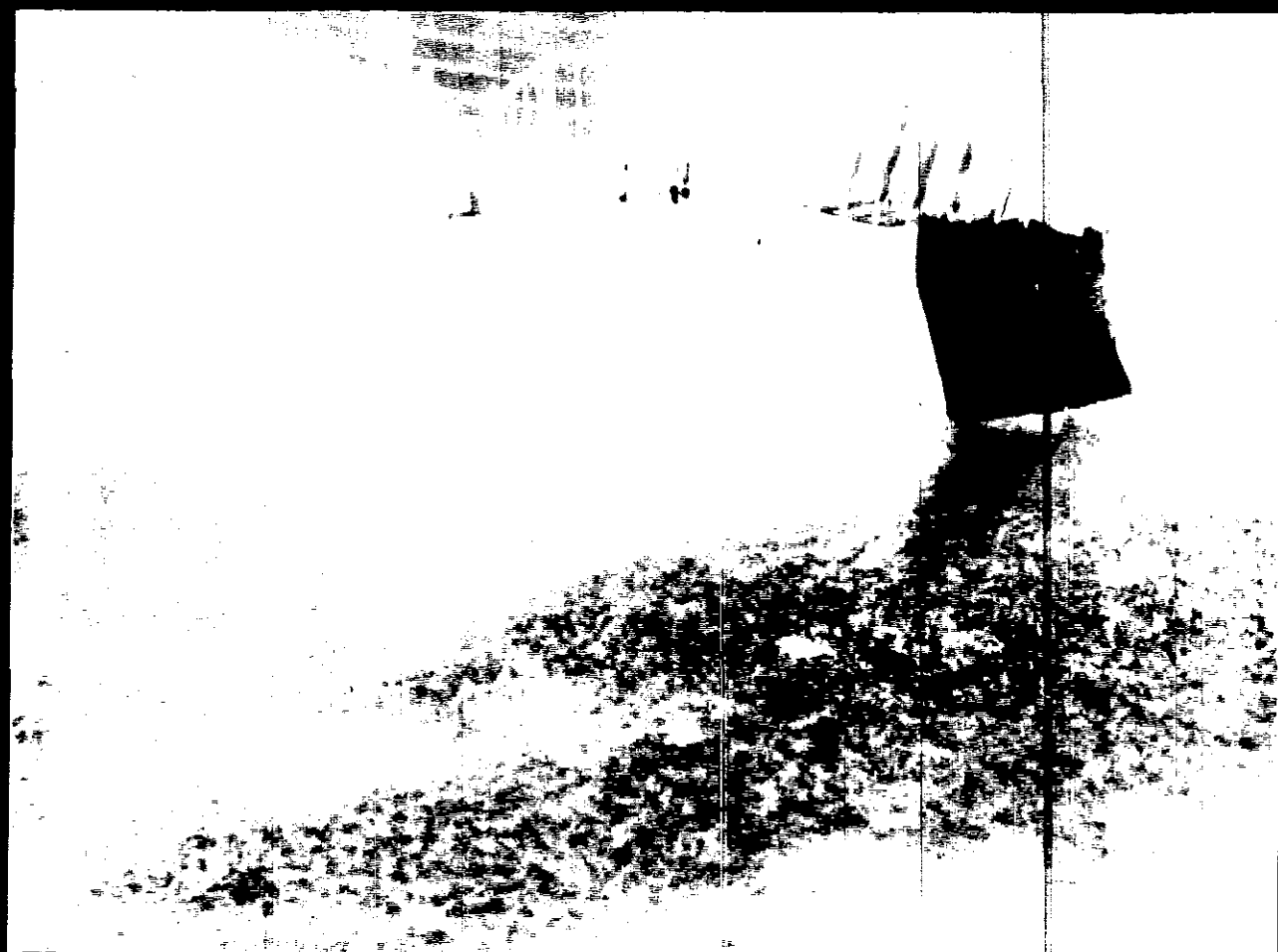
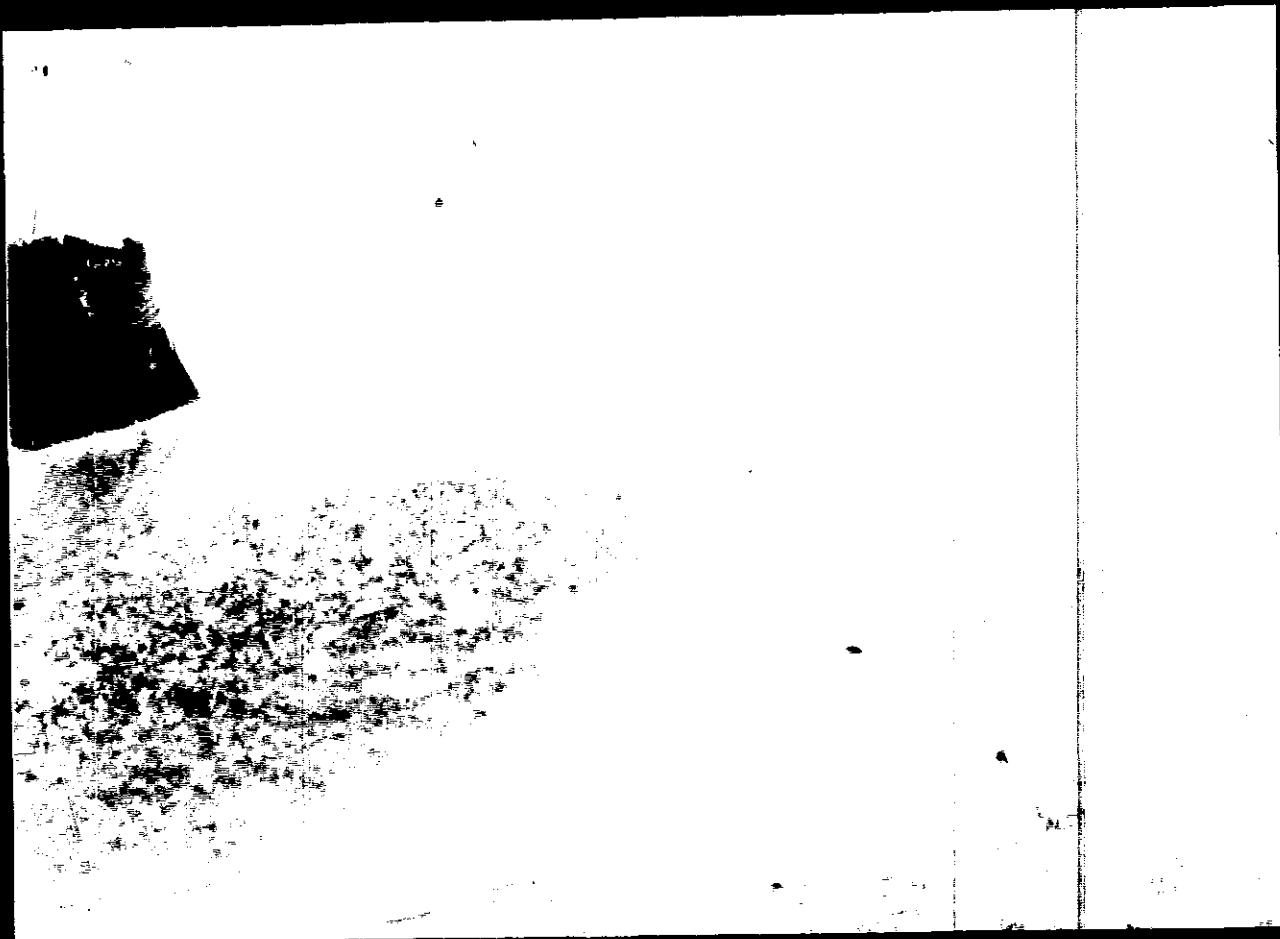
VARIANCE

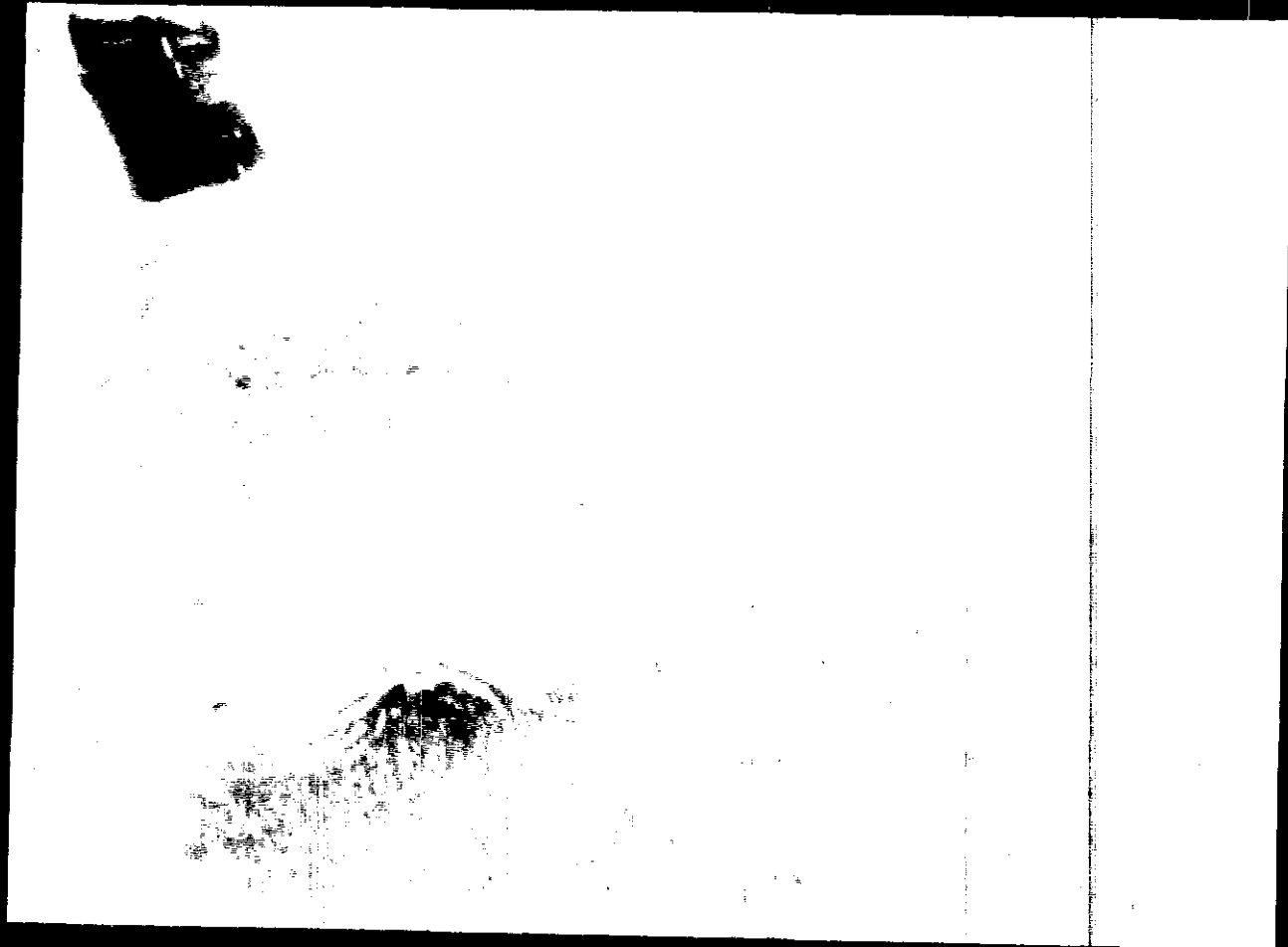
A PUBLIC HEARING WILL BE HELD BY THE
ZONING COMMISSIONER, COUNTY
OFFICE, BALTIMORE, MARYLAND

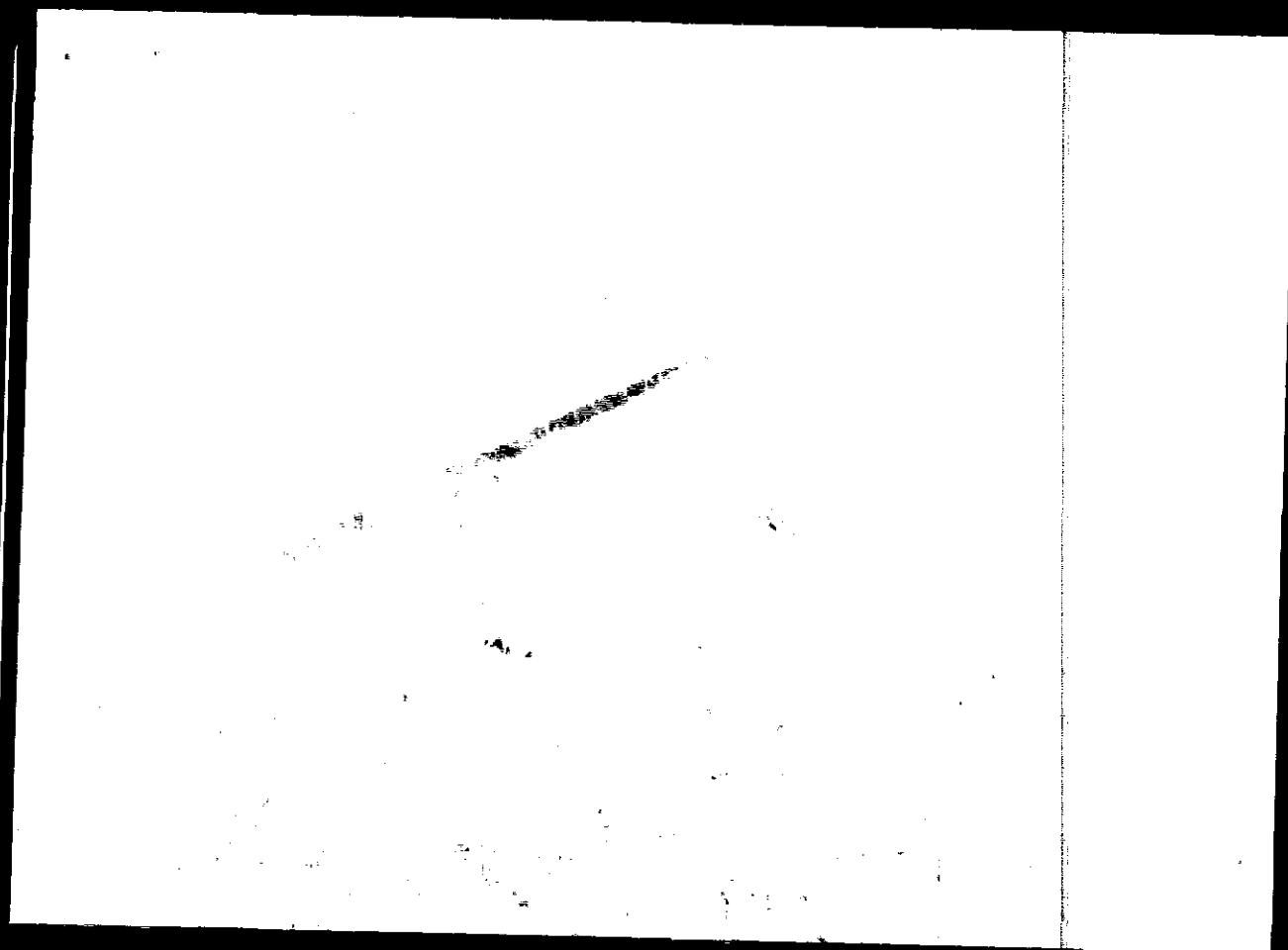
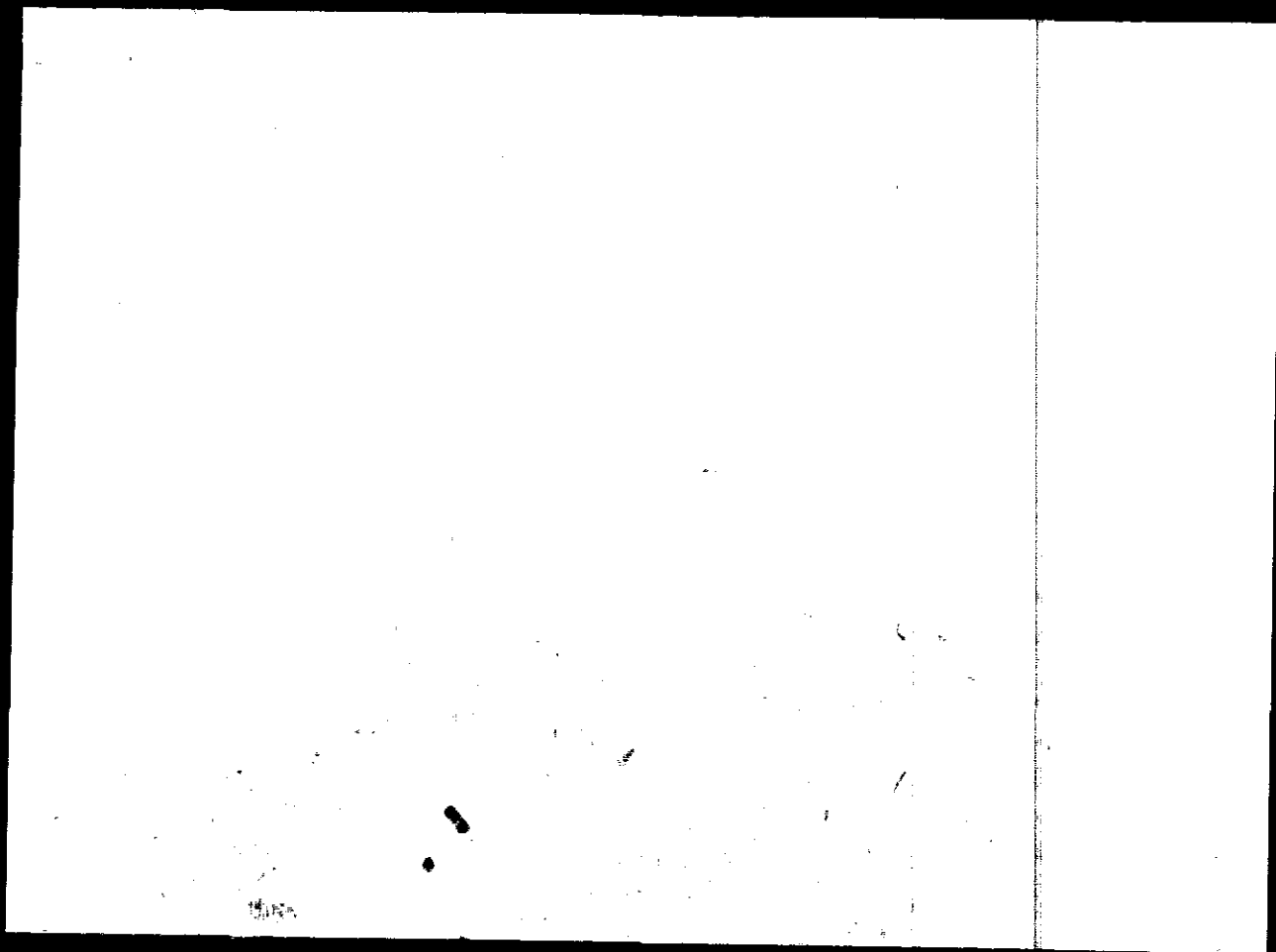
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13 Ex.
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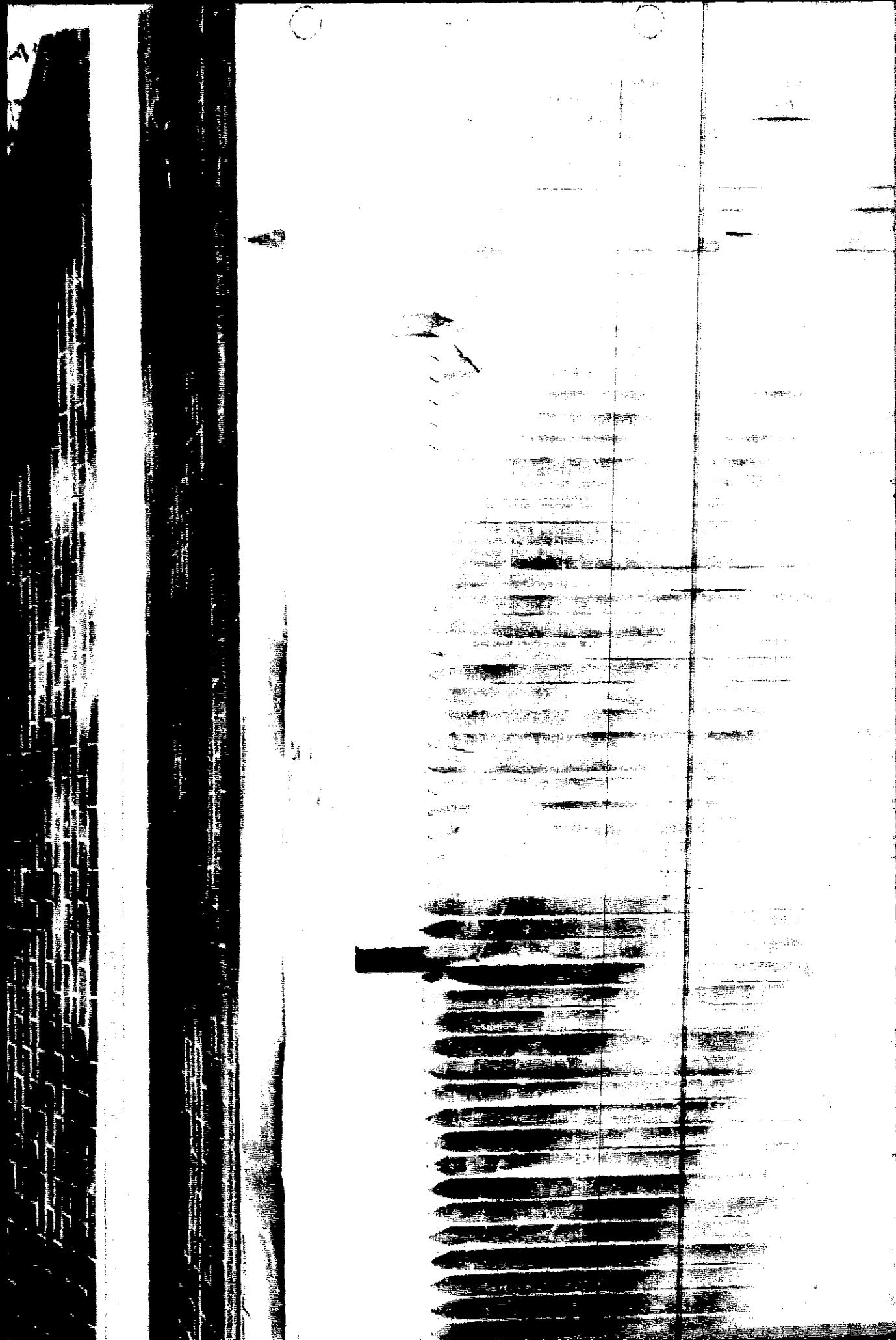












Verified
12/24/96
Sec
COT

Case No. 96-69-A

7/24/96

EXHIBITS

Protestants' Exhibits

- ✓ 1. Rule 8 documents - Villa Nova Community Association
- ✓ 2. Copy of Agreement between Chapman & Williams 6/24/95 (unsigned)
- ✓ 3. Decision of Zoning Commissioners Case No. 96-69-A
- ✓ 4. Photo - Garage with water
- ✓ 5. Photo - Front porch with water
- ✓ 6. Photo - Garage with rocks in front of it.
- ✓ 7. Photos a. Water standing in front of garage - crush + run
b. Williams' fence
c. Water being directed under Williams fence

Appellants' Exhibits

- ✓ 1. Exhibits A, B, C, D, E, F, G, I, J, K, L, M from Zoning Commissioners' hearing.
- ✓ 2. Photo - Garage and Williams' fence
- ✓ 3. Photos - Driveway of Chapman, side of Williams house
- ✓ 4. Photos - water running in front of garage
- ✓ 5. Photos - front part of house with water
- ✓ 6. Photos - pool in back of house
- ✓ 7. Photos - carport before erection of garage.
- ✓ 8. Photo
- ✓ 9. Photos - Cars
- ✓ 10. Photos - Garage, fence
- ✓ 11. Photos
- ✓ 12. Photos
- ✓ 13. Photos - damage to steps by rain
- ✓ 14. Photos - " caused by rain
- ✓ 15. Photos

CIRCUIT COURT FOR BALTIMORE COUNTY
Suzanne Mensch
Clerk of the Circuit Court
County Courts Building
401 Bosley Avenue
P.O. Box 6754
Towson, MD 21285-6754
(410)-887-2601, TTY for Deaf: (800)-735-2258

09/25/97

Case Number: 03-C-96-011216 AR
Date Filed: 11/01/96
Status: Closed/Active
Reference Number: 96-69-A
Judge Assigned: To Be Assigned,

In The Matter of: Lenora Jackson Chapman, et al

CASE HISTORY

OTHER REFERENCE NUMBERS

Description	Number
Reference Number	96-69-A

INVOLVED PARTIES

Type Num	Name (Last, First, Mid, Title)	Date	Entered
PET 001	Jackson Chapman, Lenora Attorney: 0006910 Cohen, Barry A 90 Painters Mill Road Suite 230 Owings Mills, MD 21117 (410)356-4500	07/20/96	11/01/96
PET 002	Chapman, Barry Attorney: 0006910 Cohen, Barry A 90 Painters Mill Road Suite 230 Owings Mills, MD 21117 (410)356-4500	07/20/96	11/01/96
ITP 001	Baltimore County Board of Appeals Old Courthouse/Rm 49 400 Washington Avenue Towson, MD 21204	07/20/96	11/01/96
ITP 002	Williams, Richard B 4116 Buckingham Road Baltimore, MD 21207	07/20/96	11/01/96

03-C-96-011216 Date: 09/25/97 Time: 09:20 Page: 2

Type Num	Name (Last, First, Mid, Title)	Date	Entered
ITP 003	Williams, Richard B, Mrs 4116 Buckingham Rd Baltimore, MD 21207	07/20/96	12/05/96
ITP 004	Villa Nova Community Association Inc Capacity: JJoan Alston, Chairman Attorney: 0012544 Tanczyn, Michael P Michael P. Tanczyn, P.A. Suite 106 606 Baltimore Avenue Baltimore, MD 21204 (410)296-8823	07/20/96	12/05/96

CALENDAR EVENTS

Date	Time	Dur	Cer	Emt	Jdg	L Day	Of	Rs	By	Result	Jdg	T Notice	Rec
07/21/97	09:30A	002	yes	CIVIL	TBA	D	01	/01	P05	C	07/21/97	JGT	P
09/04/97	09:30A	002	yes	CIVIL	TBA	D	01	/01	VAC	C	09/12/97		P

JUDGE HISTORY

JUDGE ASSIGNED	Type	Assign Date	Removal	RSN
TBA	To Be Assigned.	J	11/01/96	

DOCUMENT TRACKING

Num/Seq	Description	Filed	Received	Party	Routed	Ruling	Closed	User	ID
001000	Petition for Judicial Review	11/01/96		TBA	PET001		09/12/97	DA	LG
001001	Answer and Mrs. Williams	12/09/96	12/05/96	TBA	ITP002		09/12/97	PH	LG
001002	Answer in Proper Person	12/09/96	12/05/96	TBA	ITP004		09/12/97	PH	LG
002000	Request for Jury Trial	11/01/96		TBA	PET001		0A	DA	
003000	Certificate Of Notice	11/12/96	11/07/96	TBA	000		09/12/97	JH	LG
004000	Motion to extend time limits for memorandum of law and to transcribe the record with order of Court extending the time for the Clerk of the District Court for	01/02/97		BEC	PET001	Granted	01/02/97	AS	AS

03-C-96-011216 Date: 09/25/97 Time: 09:20 Page: 3

Baltimore County to 60 days, etc., fd.

Num/Seq	Description	Filed	Received	Party	Routed	Ruling	Closed	User	ID
005000	Waiver of Jury Trial	02/14/97		TBA	PET001		09/12/97	DA	LG
006000	Notice of Appeal Sent	03/05/97	03/05/97	TBA	ITP001	03/05/97	03/05/97	JH	JH
007000	Notice of Appeal Sent	03/05/97	03/05/97	TBA	ITP002	03/05/97	03/05/97	JH	JH
008000	Notice of Appeal Sent	03/05/97	03/05/97	TBA	ITP003	03/05/97	03/05/97	JH	JH
009000	Notice of Appeal Sent	03/05/97	03/05/97	TBA	ITP004	03/05/97	03/05/97	JH	JH
010000	Notice of Appeal Sent	03/05/97	03/05/97	TBA	PET001	03/05/97	03/05/97	JH	JH
011000	Notice of Appeal Sent	03/05/97	03/05/97	TBA	PET002	03/05/97	03/05/97	JH	JH
012000	Transcript of Record from Ada Agency	03/05/97	03/04/97	TBA	000		09/12/97	JH	LG
013000	Notice - Rept of Record of Proceedings	03/05/97	03/04/97	TBA	000		09/12/97	JH	LG
014000	Memorandum of Law	04/02/97	03/31/97	TBA	PET001		04/02/97	PH	PH
015000	Scheduling Order	04/07/97	04/07/97	TBA	000	04/07/97	04/07/97	JH	JH
016000	Memorandum Of Law	05/16/97	05/15/97	TBA	ITP004		05/16/97	CS	CS
017000	Scheduling Order	06/20/97	06/20/97	TBA	000	06/20/97	06/20/97	JH	JH
018000	Scheduling Order	07/23/97	07/23/97	TBA	000	07/23/97	07/23/97	JH	JH
019000	**Attorney Appearance Filed	09/03/97	09/03/97	TBA	PET001		09/03/97	CS	CS
020000	Open Court Proceeding	09/04/97		DWL	000		09/12/97	DF	LG
021000	Opinion of the Court Affirming Decision	09/12/97		DWL	000	Ruled	09/12/97	LG	LG
022000	Invoice #5635 sent to Barry Cohen	09/16/97		TBA	000		LG	LG	
023000	sent docket entries to Board of Appeals	09/19/97		TBA	000		LC	LC	

03-C-96-011216 Date: 09/25/97 Time: 09:20 Page: 4

TICKLE

Code	Tickle Name	Status	Expires	#Days	AutoExpire	GoHead	From Type
1197	Q-1 Year Tickle (Jud)	CLOSED	11/01/97	365	no	no	DMA D
1198	1st Answer Tickle	CLOSED	12/05/96	0	no	no	DMS D
1199	SLR Set List For Trial	DONE	12/05/96	0	yes	yes	1ANS T
1200	SLR Set List For Motions	CANCEL	01/24/97	22	no	no	HEX D
1201	SLR Set List For Trial	CANCEL	07/14/97	0	yes	no	CIVI S
1202	SLR Set List - Informati	CLOSED	09/03/97	0	no	no	DMP D
1203	EXPU Exhibit Pickup Notic	OPEN	11/11/97	30	no	no	

EXHIBITS

Line #	Marked	Code	Description	SPH	Stoc	Notic	Disp	Dis	By
000			Offered By: ITP 001 Baltimore County Board Of App						
000			B BOX 488 ZONING EX						

DIFFERENTIATED CASE MANAGEMENT TRACKS AND MILESTONES

Track	: RL	Description	: EXPEDITED APPEAL TRACK	Custom	: Yes
Assign Date	: 04/07/97	Order Date	: 07/23/97		
Start Date	: 04/07/97	Remove Date	:		

Milestone	Scheduled Target	Actual	Status
Motions to Dismiss under MD. Rule 2-322	04/22/97	09/12/97	CLOSED
TRIAL DATE is	09/04/97	07/06/97	09/12/97
All Motions (excluding Motions in Limine)	07/26/97	09/12/97	CLOSED

IN THE MATTER OF * BEFORE THE
THE APPLICATION OF * COUNTY BOARD OF APPEALS
LENORA JACKSON-CHAPMAN, ET AL *
FOR VARIANCE ON PROPERTY * OF
LOCATED ON THE NORTH SIDE OF *
BUCKINGHAM ROAD, 615' SOUTH *
OF CAMPFIELD ROAD * BALTIMORE COUNTY
(4114 BUCKINGHAM ROAD) * CASE NO. 96-69-A
3RD ELECTION DISTRICT *
3RD COUNCILMANIC DISTRICT * * * * *

OPINION

This case comes to the Board of Appeals from the decision of the Zoning Commissioner to deny the Appellants' Petition for Variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations to permit a side yard setback of 0 feet for an attached garage and a sum of the side yard setbacks of 10 feet, in lieu of the minimum required 10 feet and 25 feet, respectively.

The Appellants, Lenora Jackson-Chapman and Barry Chapman, appeared and testified in their own behalf. Cynthia Williams, Richard Williams and Joan Alston appeared and testified as Protestants. Neither Appellants nor Protestants were represented by counsel.

Mrs. Jackson-Chapman testified that she and her husband, who have lived at the subject property for 10 years, decided to build an attached garage to their single family dwelling after a complaint was made to the county against them by a neighbor for keeping several cars in their back yard. She testified that they built the garage also as a safety measure to help block neighborhood children from getting into their back yard swimming pool and to help prevent thefts, as they had had two bicycles taken from their back yard a few years ago.

The garage was built on the side of the house adjacent to 4116 Buckingham Road, the home of Mr. and Mrs. Williams. An attached carport had existed at this location.

The Appellants did not initially obtain a building permit when they began construction of the garage but obtained one on July 12, 1995, after receiving a correction notice from the county on July 11, 1995. They received a second correction notice on July 25, 1995 for noncompliance with the permit and failure to observe setbacks (Appellants' Exhibit 1, E and I).

Mr. Williams testified that a swale between his house and the Appellants' house used to carry rainwater flowing down Buckingham Road to the rear of the two properties, but the subject garage was built over the swale and now acts as a dam, preventing the water from draining to the back. He testified that he did not notice any water problem until the garage created one.

Case No. 96-69-A Lenora Jackson-Chapman, et al 2

Mr. and Mrs. Chapman both denied that the garage had created any water problems, testifying that a drainage problem had always existed on their property. Mrs. Chapman testified that water collects on their property from half a block when it rains, and there is no drainage.

Mr. Williams further testified that according to measurements he took, the house and the Chapmans' house were formerly 15 feet apart, but that with the construction of the garage, which abuts or may even go over the property line, the houses are now only 8 feet apart. The Protestants presented as evidence a copy of an unsigned agreement dated June 24, 1995, which would grant the Chapmans a 1 1/2-foot easement of property between the Chapmans' and Williams' houses (Protestants' Exhibit 2). Testimony indicated that the Appellants asked Mr. and Mrs. Williams to sign the agreement, but they declined to do so.

Joan Alston, Zoning Chairman and representative for the Villa Nova Community Association, testified that the garage could pose a tremendous fire hazard, as there is only a distance of 8 feet between the Appellants' and the Williams' houses. She further testified that if the variance is allowed, it might reduce neighborhood property values.

The granting of variances is governed by Section 307.1 of the Baltimore County Zoning Regulations, which provides, in relevant part, that variances may be granted

only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance . . . would result in practical difficulty or unreasonable hardship.

The Court of Special Appeals, in *Cromwell v. Ward*, 102 Md. App. 691 (1995), has construed this regulation to mean that obtaining a variance is basically a two-step process. The first step requires a finding that the subject property is unique and unusual in a manner different from the nature of surrounding properties such that the uniqueness and peculiarity of the subject property causes the zoning provision to impact disproportionately upon that property. The second step requires a finding that denial of the requested variance would result in practical difficulty or unreasonable hardship.

When questioned by the Board, Mrs. Chapman stated that her property is 62 1/2 feet wide, and that some properties in the neighborhood are larger and some smaller. She said that the 50-foot frontage of her house was typical of houses in the neighborhood, and that the shape of her lot was not unusual. She testified that the elevation of her property was the lowest on the block, but

Case No. 96-69-A Lenora Jackson-Chapman, et al 3

she admitted that flooding was not unique to her property.

Cromwell v. Ward states that "Unless there is a finding that the property is unique, unusual, or different, the process stops here and the variance is denied without any consideration of practical difficulty or unreasonable hardship."

This Board finds that the Appellants failed to present any testimony or evidence showing that their property was unique in such a manner that the side yard setback requirements would impact disproportionately on their property. Thus, the first step of the variance process was not met, and the practical difficulty or unreasonable hardship requirement cannot be properly considered.

However, even assuming, for the sake of argument, that the property meets the requirement of uniqueness, the Appellants failed to produce convincing evidence of practical difficulty or unreasonable hardship.

They argued that the need to comply with county regulations prohibiting the parking of their three valuable cars in their back yard placed a hardship upon them which necessitates relief through the granting of a variance for a garage. But Mr. Chapman stated on cross-examination that he never considered building a garage in the back yard, where a variance might not be needed.

More importantly, the Board finds that any hardship engendered by the ownership of three valuable cars, which the Appellants do not want to park on the street for various reasons, is a self-created hardship, which is not proper grounds for a variance.

The Appellants also argued that the garage helps block access to their back yard, thus helping to prevent back yard thefts and neighborhood children from getting into their pool. The Board finds that these are practical difficulties that can be addressed through conventional means such as adequate fencing and outdoor lighting and alarms, and do not qualify as practical difficulties sufficient for the granting of a variance for a garage.

For these reasons the Board will deny the Petition for Variance.

ORDER

IT IS THEREFORE this 4th day of October, 1996 by the County Board of Appeals of Baltimore County

ORDERED that the Petition for Variance seeking relief from Section 1B02.3.C.1 of the

Case No. 96-69-A Lenora Jackson-Chapman, et al 4

Baltimore County Zoning Regulations to allow a side yard setback of 0 feet, for an attached garage, and a sum of the side yard setbacks of 10 feet in lieu of the minimum required 10 feet and 25 feet respectively, be and is hereby DENIED; and it is further

ORDERED that the garage shall be removed within 120 days from the date of this Order or, if this Order is appealed, then within 120 days from when a final decision is rendered in this matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Kristine E. Howansky, Acting Chairman

Lawrence M. Stahl

S. Diane Levero

BALTIMORE COUNTY, MARYLAND
Inter-Office Memorandum

DATE: August 25, 1995
TO: Hearing Officer
FROM: John J. Sullivan, Jr.
Planner II, PDM
SUBJECT: Item #91
4114 Buckingham Road

Mr. Chapman did not have photos today, as they "did not turn out". He wished to proceed with the variance and would submit photos as soon as possible.

JJS:scj



Baltimore County
Department of Permits and
Development Management

Permits and Licenses
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3900
Fax: (410) 887-2824

January 18, 1996

Mr. and Mrs. Richard B. Williams
4116 Buckingham Road
Baltimore, MD 21207

Mr. and Mrs. Robert F. Hyde
4017 Villa Nova Road
Baltimore, MD 21207

Mr. George W. Gebhardt
3629 Sunnyside Road
Baltimore, MD 21207

Mr. and Mrs. Irving T. Basil
4014 Raleigh Road
Baltimore, MD 21208

Mrs. Joan Alston
7205 Prince George Road
Baltimore, MD 21207

Re: Petition for Zoning Variance
4116 Buckingham Road, 615 Ft. S of Campfield Road
4114 Buckingham Road
3rd Election District - 3rd Councilmanic District
Lenora Jackson Chapman, et al - Petitioners
Case No. 96-69-A

Dear Ladies and Gentlemen:

Please be advised that an appeal of the above-referenced case was filed in this office on January 11, 1996 by Lenora Jackson Chapman and Barry Chapman. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals, "Board".

If you have any questions concerning this matter, please do not hesitate to contact the Board at 887-3180.

Sincerely,
Arnold Jablon
ARNOLD JABLON
Director
Department of Permits and
Development Management

AJ:mam

cc: People's Counsel



Baltimore County
Department of Permits and
Development Management

Permits and Licenses
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3900
Fax: (410) 887-2824

January 18, 1996

Mr. and Mrs. Richard B. Williams
4116 Buckingham Road
Baltimore, MD 21207

Mr. and Mrs. Robert F. Hyde
4017 Villa Nova Road
Baltimore, MD 21207

Mr. George W. Gebhardt
3629 Sunnyside Road
Baltimore, MD 21207

Mr. and Mrs. Irving T. Basil
4014 Raleigh Road
Baltimore, MD 21208

Mrs. Joan Alston
7205 Prince George Road
Baltimore, MD 21207

Re: Petition for Zoning Variance
4116 Buckingham Road, 615 Ft. S of Campfield Road
4114 Buckingham Road
3rd Election District - 3rd Councilmanic District
Lenora Jackson Chapman, et al - Petitioners
Case No. 96-69-A

Dear Ladies and Gentlemen:

Please be advised that an appeal of the above-referenced case was filed in this office on January 11, 1996 by Lenora Jackson Chapman and Barry Chapman. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals, "Board".

If you have any questions concerning this matter, please do not hesitate to contact the Board at 887-3180.

Sincerely,
Arnold Jablon
ARNOLD JABLON
Director
Department of Permits and
Development Management

AJ:mam

cc: People's Counsel

*Please set this show-moving
case in for a hearing*

2/1995

APPEAL

Petition for Zoning Variance
4116 Buckingham Road, 615 Ft. S
of Campfield Road
4114 Buckingham Road
3rd Election District - 3rd Councilmanic District
Lenora Jackson Chapman, et al - Petitioners
Case No. 96-69-A

Petition for Zoning Variance

Description of Property

Certificate of Posting

Certificate of Publication

Request for Hearing dated September 18, 1995

Zoning Plans Advisory Commission Comments

Protestant(s) Sign-In Sheet

Petitioner's Exhibits: 1 - Site Plan to accompany Petition for Zoning Variance
A - Zoning Violation Inspection Report
B - Memo from Lenora Jackson to Jim Thompson dated August 29, 1995
C - Baltimore County Police Department Crime Report dated August 31, 1994
D - Note of Police Report on file dated August of 1994
E - Note from Lenora Jackson-Chapman stating she is also a member of the citizen patrol
F - Correction Notice dated July 11, 1995
G - Copy of Building Permit No. 8241192 dated July 12, 1995
H - Request for Assistance dated July 11, 1995
I - Letter to Mr. and Mrs. Chapman from Augustus Harris dated July 12, 1995
J - Correction Notice dated July 25, 1995
K - Request for Assistance dated July 25, 1995
L - Affidavit in support of Administrative Variance dated August 21, 1995
M - Letter to Lewis Meyer from Barry and Lenora Jackson-Chapman dated August 7, 1995
N - Request for Variance from Barry and Lenora Jackson-Chapman dated August 28, 1995
O - Including neighbor signatures
P - Letter from the President of the Villa Nova Community Association regarding "West
Decorated Home" Holiday Contest

13 laminate pages (including a total of 31) photographs not marked as exhibits from the Petitioner

Protestant's Exhibits: 1 - Property Line Survey Drawing dated May 10, 1995

Zoning Commissioner's Order dated December 15, 1995 (DENIED)

Notice of Appeal received on January 11, 1996 from Barry and Lenora Jackson-Chapman

cc: Mr. and Mrs. Richard B. Williams, 4116 Buckingham Road, Baltimore, MD 21207

Mr. and Mrs. Robert F. Hyde, 4017 Villa Nova Road, Baltimore, MD 21207

Mr. George W. Gebhardt, 3629 Sunnyside Road, Baltimore, MD 21207

Mr. and Mrs. Irving T. Basil, 4014 Raleigh Road, Baltimore, MD 21208

Mrs. Joan Alston, 7205 Prince George Road, Baltimore, MD 21207

Mr. and Mrs. Barry Chapman, 4114 Buckingham Road, Baltimore, MD 21207

People's Counsel of Baltimore County, Md. 21015

Request Notification: Lawrence R. Schmidt, Zoning Commissioner
Arnold Jablon, Director of PDM

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

MINUTES OF DELIBERATION

IN THE MATTER OF: Lenora Jackson-Chapman, et al - Petitioners
Case No. 96-69-A

DATE: July 24, 1996 /at conclusion of hearing

BOARD /PANEL: Kristine K. Howanski
Lawrence M. Stahl
S. Diane Levero

KKS
LMS
SDL

SECRETARY: Kathleen C. Bianco
Legal Administrator

Those present at this deliberation included Appellants /Petitioners and Protestants to this matter. People's Counsel did not participate in these proceedings.

KKR: We are here now in the deliberation phase of Case No. 96-69-A, Lenora Jackson-Chapman, et al; zoning commissioner's denial of a Petition for Variance to allow 0' setback for attached garage and the sum of 10' in lieu of 10' and 25' respectively. By Order dated September 15, 1995. A lengthy amount of testimony I must say for the amount of facts in dispute before us today. And as I already indicated on the record, I am not a fan of public deliberation because other deliberative bodies do not have to go through what we go through doing it in front of everybody. So I will continue with my judicial ruling of Larry's Stahl's "why I hate public deliberation" speech that he has given in other cases, but in this instance, I may welcome the opportunity to air things not necessary to the law but how to behave as neighbors and deal with problems.

When I chair, I typically defer to my colleagues and will do so today.

LMS: Thank you. Briefly, for the record, and so that I maintain my consistency I also believe that the public deliberation required under judicial determination of Baltimore County's open meetings laws are not helpful generally in a variance case; and in zoning in general.

Recent case which has started to erode that principle; that our brothers and sisters in the Circuit Court would not make rule for themselves that they are imposing upon us. Having said that, the law is the law is the law, and I will proceed.

Heard a lot of relevant issues between neighbors; disputes relative to water, runoff disputes, a number of issues; fortunately or unfortunately, the zoning laws are not at issue here. Zoning rules are what they are. We are not empowered nor do we sit as a body that can either decide to apply or

Deliberation /Lenora Jackson-Chapman /96-69-A

ignore the laws. They are what they area. They require setbacks. Zoning law allows for exceptions because every rule is proven by exception. Variance process -- leading case or variances is Cromwell v. Ward which is mentioned, and we have had several people testifying relative to findings of fact and conclusions below, and Zoning Commissioner did direct him to Cromwell v. Ward. Stands for proposition that zoning is a good thing and done for good and sufficient reasons, and every four years zoning maps and requirements are changed by County Council as needed. Between those changes or requests, there should only be alterations and exceptions for the most pressing of reasons; can only be based on uniqueness; two step process; first step being that property for which variance is requested needs to be unique in sense it is so different from other properties in the area that request for variance addressed problem raised by that uniqueness; and that if that first step is reached, then the additional requirements, which the Zoning Commissioner mentions, about whether or not it is detrimental to the area, whether or not there will be detriment to the particular property; strict adherence; only after overcoming first.

Unfortunately for the Appellants, they have been very forthright, very direct, very honest. I will say that to both sides. But it's clear to me that the reasons for the request for this particular variance are the reasons set forth by Mr. Chapman and Mrs. Chapman -- the reasons of securing property of a very real and important and appropriate concern of children in neighborhood, pool, etc. And that should be concerns of property owner. But to enclose and thereby violate zoning regulations and thereby need variance to enclose that garage for those reasons is not a request that is based on a unique situation of the Chapman's particular piece of property for which the only solution is to do something that requires a variance. The cars, the pool are all things which have been done by owners; had they not had pool, not had cars, not had that necessity of securing property, then they would not have enclosed and quite honestly -- would not have needed the variance.

I specifically asked initially some questions as to layout of particular lot as opposed to other lots in area and on the street. And again, everyone was quite forthright that there really were no tremendous differences; such striking uniqueness to property that would require action because of property's uniqueness that would... I have no doubt that these concerns must be addressed but Cromwell is very clear that no variance can be granted for any reasons which are related to that which the property owner has done as opposed to conditions forced upon them by uniqueness of their own piece

2

Deliberation /Lenora Jackson-Chapman /96-69-A

of property.

And since that is the case, the first is not reached. And if the first is not reached, then none of the other considerations relative to good, bad, detrimental, comes into play. And unfortunately, as lay people -- you would still have to address questions to both prongs --but you have not met test of first prong. All information needs to be presented. I simply believe there is in short no uniqueness to the Chapman property sufficient by its very nature to require because of that uniqueness the construction of the enclosure which would therefore necessitate the granting of a variance under Cromwell. Because Cromwell gives us no leeway and has been affirmed by the appellate courts in Maryland. I have no choice other than to affirm the Zoning Commissioner and to deny the variance.

SDL: I will be very brief. Mr. Stahl has pretty well stated the case. The law on variances is very strict. Can be granted under 307.1 and, as Larry said, it's a two-prong test -- uniqueness of property; different in some way from the other properties in area that it be impact on requested variances.

The second prong is practical difficulty or unreasonable hardship. 307.1 is strict enough in itself, and Cromwell v. Ward tightens it up so that we have very little leeway to grant variances. No evidence presented to satisfy the first prong which must be satisfied that property is unique or different in some way from others in neighborhood to allow granting. So I would also deny variances.

KKR: I will agree as well. But I will go a little further because of lay people involved. I would say what I would do if we went on to additional prongs. I agree with my colleagues that we are bound by Cromwell v. Ward to consider first if property is unique. Am satisfied there has been no demonstration today that the property is unique within the contemplation of Cromwell v. Ward. When you build, you set up lots; basically the same. I am as well persuaded that I do not get beyond the first prong and show that the property is somehow unique. Were we to go on, however, I think I would still deny the request. If for some reason we were satisfied that it was unique, next prong would be practical difficulty.

If you collect cars beyond the amount that might normally sit on your lot, that is a hardship created by the parties; similarly, to put a pool in the back -- you don't put up the pool and then ask for a variance. If there are more cars than appropriate, I do not find that the second prong has been satisfied.

3

Deliberation /Lenora Jackson-Chapman /96-69-A

Stepping into the third area, next part is it detrimental to surrounding properties. And what we are dealing with is an older neighborhood. The properties are built to be a certain way; whether or not you like it, not designed for additions. Neighbors' recognition inherent limitations in their own property; if you need something bigger, must move to another neighborhood or buy bigger house.

I find no bad intent on either side; see no one trying to do this out of spite, etc. I do not want to be interpreted as deciding against the Chapmans; this is one of those situations where you cannot do those kinds of things; need bigger lot. I would concur with my colleagues. If I were required to go further, I would deny the variance at each step along the line.

We are in concurrence. We will prepare a written Opinion and Order. There is no appeal from our discussion today; we will prepare written Order, and anyone feeling aggrieved will have 30 days from the date of that written Order to file an appeal.

This brings this particular hearing to a close.

Respectfully submitted,

Kathleen C. Bianco
Kathleen C. Bianco
Legal Administrator

4

Kurt S Hammond
4101 Buckingham Rd
Baltimore, MD 21207
(410)653-9847

July 17, 1996

Board of Appeals
400 Washington Ave - Rm 45
Towson, MD 21204

Re: 96-69-A

Dear Board of Appeals:

I am writing today in case I am unable to appear at the hearing in person. I live several houses down the street from 4114 Buckingham Rd and am in complete agreement with the neighbors of that property.

The garage in question could not possibly have been built with a county permit, it looks like a shanty that could fall down at any moment. Furthermore, I understand that it was built in violation of zoning requirements that stipulate a minimum distance between dwellings.

I would urge the Board not to grant a zoning waiver. It would be most unfair to the next-door neighbors, and in my opinion would diminish the integrity of the whole neighborhood.

I would normally never dream of interfering with a neighbor's handling of his or her own property, but in this case I feel compelled to speak out.

Thank you,

Kurt Hammond
Kurt Hammond

Mr. Barry N. Chapman
Mrs. Lenora Jackson Chapman
4114 Buckingham Road
Baltimore, Maryland 21207

RE: Appeal For Denial of a Zoning Variance
For 4114 Buckingham Road Baltimore County,
Maryland 21207. Case No. 96-69-A

Date Sept. 18 1996

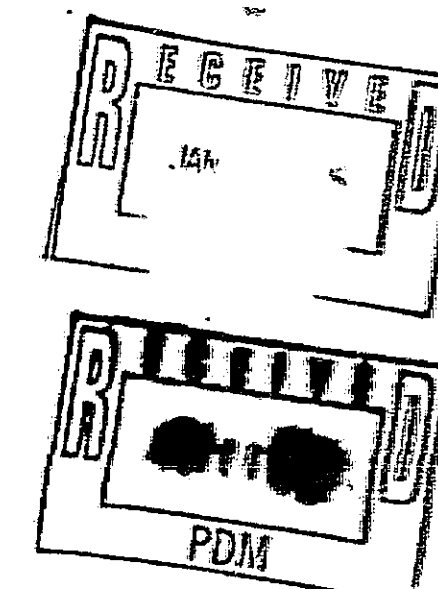
To: Baltimore County Board of Zoning Appeals
Mr. Arnold Jablon, Director
Dept. of Permits and Development Management
111 W. Chesapeake Ave., Room 111
Towson, Maryland 21204
410-887-3353

Dear Mr. Jablon
Inasmuch as we do not agree with the decision made by the Zoning Commissioner of Baltimore County, we hereby respectfully request that a hearing be set forth in this matter for an appeal of the denial of a zoning variance for the above mentioned property. Thank you very much for your time and consideration in this matter.

Sincerely,

Barry N. Chapman
Barry N. Chapman

Lenora Jackson Chapman
Lenora Jackson Chapman



09/18/1996 15:12 4106538610 POOLE

TO: MR. LARRY SCHMIDT
BALTIMORE COUNTY ZONING BOARD
111 W. CHESAPEAKE AVE
TOWSON, MD 21204



RE: CASE NO. 96-69-A
DEAR SIR,

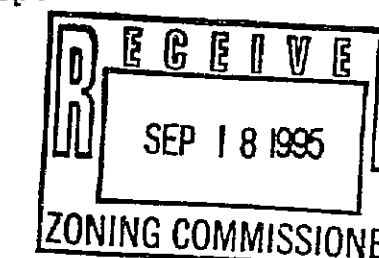
AS RESIDENTS OF THE VILLA NOVA
COMMUNITY FOR OVER FORTY YEARS, WE HAVE A
STRONG INTEREST IN PRESERVING ITS UNIQUENESS.
ALTHOUGH ONE LITTLE ENCRUMENMENT ON
THE ZONING REGULATIONS MAY IN ITSELF SEEM
INNOCUOUS, THE CUMULATIVE EFFECT OVER A
PERIOD OF TIME OF MANY SUCH VIOLATIONS
WILL NEGATIVELY IMPACT THE COMMUNITY TO
THE DETRIMENT OF ALL HOMEOWNERS.

FOR THIS REASON, WE URGES THAT
VARIANCE BE DENIED AT 7114 BUCKINGHAM
RD AND THAT THE EXISTING ZONING
REGULATIONS BE ENFORCED.

THREEFOLD
IRVING AND JANE BASH
4014 ROLLING RD
BALTIMORE, MD 21208

POOLE, IF YOU COULD FAX THIS FOR US,
I WOULD BE HAPPY TO PAY THAT COST.
WE DONT TAKE TO JOAN ALSTON UNTIL FRIDAY, SEP
18 1996

September 16, 1996



RE: Case No: 96-69-A

Richard B. & Cynthia A. Williams
4116 Buckingham Road
Baltimore, MD 21207

Dear Mr. Commissioner:

We are writing to let you know of our opposition to the building of the garage at 4114 Buckingham road own by Lenora and Barry Chapman. We opposed the garage because of the following:

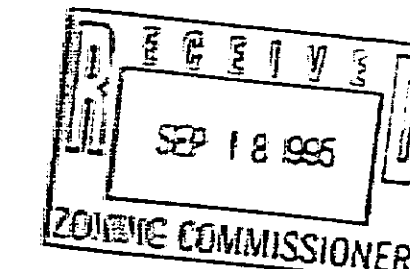
1. The distance between the two houses is 16 ft. which the garage is built directly on the property line which is against zoning laws.
2. Because the structure is too close to our property, it drives down the value of our property.
3. If the systems allows one family to break the law, anyone who wants to break the zoning laws can do so without facing any consequences.

I would hope that the systems that put the zoning laws on the books to preserve our communities would also enforce the laws to protect our communities.

Sincerely,

Richard B. Williams
Richard B. Williams
Cynthia A. Williams
Cynthia Alexander-Williams

1996 11:03 4106538610 POOLE



Paul and Pam Bowman
4118 Buckingham Road
Baltimore, MD 21207

RE: Case No: 96-69-A
September 15, 1996

To Whom It May Concern,

We are writing this letter in protest against the garage that is being built onto the home at 4114 Buckingham Road, Baltimore, MD 21207. This structure is clearly in violation of the zoning laws of Baltimore County. It is our understanding that the zoning laws were put in place to protect the rights of the community.

We have lived in our home at 4118 Buckingham Road for five years and strongly feel that this structure will cause a decrease in our property value. We have always taken great pride in keeping our home and neighborhood in a condition that is both attractive and safe to raise our family in. The appearance of our neighborhood and the strong community and family atmosphere was what first drew us to Baltimore County in the first place.

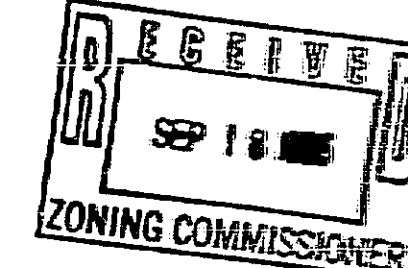
We hope that you will consider our feelings when making your decision on this matter. Thank you for your time.

Sincerely,

Paul M. Bowman
Paul M. Bowman
Pam W. Bowman
Pam W. Bowman

VILLA NOVA COMMUNITY ASSOCIATION, INC.
Villa Nova, MD 21207
(410)484-4958

Mr. Larry Schmidt
Zoning Commissioner
Baltimore County



September 16, 1996

Joan Alston
7205 Prince George Road
Baltimore, MD 21207
(410)484-4958

RE: Case No. 96-69-A, 4114 Buckingham Road, 21207 - Variance

Dear Mr. Larry Schmidt:

Confirming Mrs. Rosey Poole's letter I also would like to express my strong objections to the construction of a garage at 4114 Buckingham Road. I have lived in Villa Nova since 1966. I lost a house at 7219 Prince George Road due to flood damage (hurricane Agnes in 1972) and am willing to do all in my power to help the observance of the law and maintain the beauty of this residential area. I know I am also speaking for most of my neighbors and all members of the Board of the Villa Nova Community Association, Inc.

Sincerely,

Joan Alston
Joan Alston
Vice President & Zoning Chairman
Villa Nova Community Association, Inc. (VNCA)

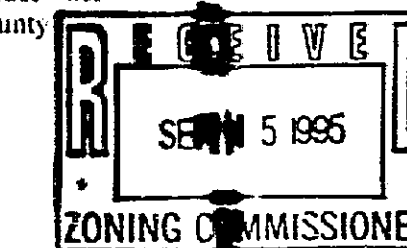
cc: Rosalie M. Poole - President - VNCA

Joan Alston, Zoning Chairman, 7205 Prince George Road, Villa Nova, MD 21207, (410)484-4958

09/15/1996 13:19 4106538610 POOLE

Villa Nova Community Association, Inc.

Mr. Larry Schmidt
Zoning Commissioner
Baltimore County



September 14, 1996

Rosalie M. Poole
4110 Villa Nova Road
Baltimore, MD 21207
(410)653-5610

RE: CASE NO. 96-69-A, 4114 Buckingham Road, 21207

Dear Mr. Schmidt:

The Villa Nova Community Association, Inc. strongly objects to the construction of the garage at 4114 Buckingham Road. The reasons are two-fold:

First:

The owners of the property have admitted to the use of the garage for storage of unlicensed automobiles which have previously been parked in the back yard of their property.

Second:

The owners are trying to circumvent the law by having started the construction before applying for a building permit. Their application stated that the garage would be a distance of 15 feet from the property line knowing full well that the distance between their house (residence) and the property line was only 16 feet. The garage is now attached to the house and extends up to the property line. This is a blatant violation of their neighbors' rights.

The Community Association believes that for the maintenance of property values, and the upholding of laws for the welfare of the community, no precedent of circumventing the law should be permitted. If we make an exception for one family, we would have to do it for everybody. Furthermore, the Association recently became enlightened that the residents at this address have misrepresented the facts in this case to both the Community Association and to their neighbors in an attempt to promote their wishes. In this process they have caused much disruption and fill will among the neighbors.

Sincerely,

Rosalie M. Poole
Rosalie M. Poole
President - Villa Nova Community Association, Inc. (VNCA)
President - Villa Nova Citizens of Towson, Inc. (VNCOT)

cc: Joan Alston - Vice President & Zoning Chairman - VNCA

4110 Villa Nova Road
Baltimore, MD 21207

(410)653-5610
Phone & FAX

GEORGE W. GEBHARDT

3629 Sussex Road □ Baltimore, MD 21207-3818 □ 410-484-2683

September 17, 1996

Mr. Larry Schmidt
Zoning Commissioner
Baltimore County, Maryland 21204
FAX number: 887-3468



re: Case Number 96-69-A
4114 Buckingham Road
Villa Nova neighborhood 21207
(Lenora P. Jackson-Chapman and or Barry Chapman)

Dear Mr. Schmidt:

As a homeowner in Villa Nova, I am always concerned about changes to structures that may negatively impact on the property value of my property and my neighbors' property.

I have done some research on the garage attached to the right side of 4114 Buckingham Road, Villa Nova, Baltimore County 21207. On September 17-18, I:

- visited Jackson Chapman briefly. I asked Ms. Jackson about the building permit and electrical permit for the 4114 garage, and about the litigation I had heard that Jackson Chapman instituted against the previous owners of 4116 Buckingham Road, Rick and Pamela Klinehamer. In less than 30 seconds, Ms. Jackson insisted I leave.
- met for over one hour with the neighbors at 4116 Buckingham, Mrs. Cynthia Alexander-Williams and Mr. Richard Williams.

Here are some findings.

1. The 4114 garage & the property line

1. The Williams showed me a survey done circa May 1995 for their property at 4116. The 4116 lot is 25 foot frontage and the 4116 house is about 8 feet from the 4114-4116 property line.
2. About 16 feet, 8 feet on each side to the property line, separate the houses at 4114 and 4116. That suggests that the 4114 garage, which may be wider than 8 feet, cannot be built and still be completely on the 4114 homeowner's property.

Hi,

My name is Lenora Chapman and I live at 4114 Buckingham Road. My husband, Barry and I applied to zoning to request a variance. A zoning variance can be requested each time a plan is created or a zoning ordinance enacted. Example, is when a owner wants to change the uses of their property. In our case we would like to change our carport into a garage. A variance can allow you to uses of property that don't meet zoning requirements. Even when the change is on your own land. If you have no legitimate reason why we should not continue uses of our garage, please sign below.

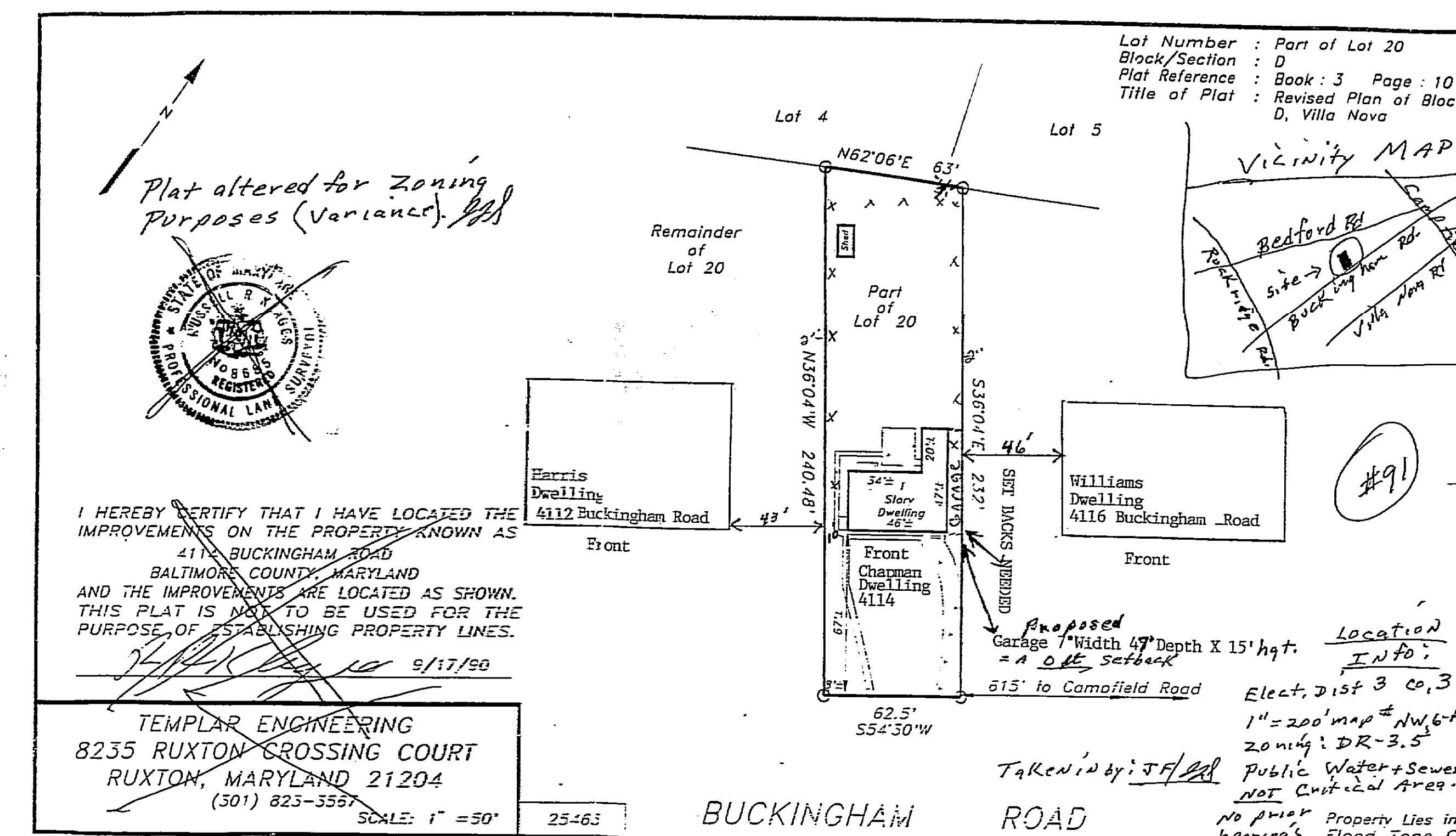
Thank-You

1. Jerry F. Gies 4113 Buckingham Rd. Baltimore MD 21207
2. John Brown 4113 Buckingham Rd
3. Cynthia Brown 4113
4. Joseph Mads 4118 Buckingham Rd Baltimore MD 7
- 5.
6. Joseph Ferguson 4120 Buckingham RD 21207
7. Katherine M. Cave 4128 Buckingham Rd. Balto 21207
8. George Mads 428 Buckingham rd 21207
9. Gloria J. Osoff 4117 Buckenham Rd Balto 21207
10. Cecile J. Osoff 4117 Buckenham Rd Balt. MD 21207.
- 11.
12. Willard Zeltman 4115 Buckingham RD 21207
13. Margaret D. Brown 4112 Buckingham Rd. 21207
14. Mary J. Hines 4112 Buckingham Rd 21207
15. Blanche M. Lewis 4110 Buckingham Rd 21207
16. George Williams 4111 Buckingham Rd 21207
17. H. Neffman 4104 Buckingham Rd 21207
- 18.
- 19.
- 20.
- 21.
- 22.
- 23.
- 24.
- 25.
- 26.
- 27.
- 28.
- 29.
- 30.

Additional Signatures Will Follow

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

[illegible]

96-69-A

Mr. Gard Cooper

887-2335

Zinnia

857-3391

MARYLAND DEPARTMENT OF ASSESSMENTS AND TAXATION

REAL PROPERTY SYSTEM

BALTIMORE COUNTY

PRIMARY SCREEN

DISTRICT: 12 ACCT NO: 0310047090

SUEDIST:

OWNER NAME / MAILING ADDRESS

JACKSON LEMORA O

4116 BULLINGHAM RD

BALTIMORE MD 21207-4612

DEED REF 1 8560 775

PLAT REF 1 27 100

EXEMPT STATUS/CLASS 0 000

TOWN BED ADVAL TAX LAND EXEMPT

COUNTY CODE CODE CLASS R 1 1

000 00 000

1986 DESCRIPTION

1/2 AC 200

215 S CAMPFELD RD

VILLA NOV

TRANSFERRED FROM: MILLER IVAN E

78 20 455

MAP GRD PARCEL SUB-DIV PLAT SET BLOCK LOT

12/04/90

PREP: 21 VALUERS SVGN

SP3: SP PRN WITH PROPERTY

62.5

D.R. 3.5

Side must total 25
maximal $\frac{1}{2}$ 10'

Diagram of a rectangular plot with dimensions and labels:

- Left side: Pt 1st 2d
- Top side: Pt 1st
- Bottom side: 62.50 62.50
- Right side: Pt 1st
- Bottom label: Buckingham Rd

ORIGINAL

Reported by
C. E. Peatt

BALTIMORE COUNTY BOARD OF APPEALS

Variance

STANDARD FORM NO. 646
REAL ESTATE TAX MAPS
BALTIMORE COUNTY

CHAIRMAN: GORDEN

DISTRICT: 03 ADD NO: 0026020490

OWNER NAME: MAILING ADDRESS
WILLIAMS RICHARD BERLIN
ALEXANDER-WILLIAMS CYNTHIA
4116 BUCKINGHAM RD
BALTIMORE MD 21207

DEED REF 1 11066 117
FLAT REF 1 27 104

EXEMPT STATUS/CLASS 0 000 PRINCIPAL RESIDENCE YES

PREMISE ADDRESS
4116 BUCKINGHAM RD

TOWN CODE 000 ACVAL TAX LAND IDENTITY
CODE CODE CODE CLASD USE 156
000 B1 000 5 04

LEGAL DESCRIPTION
PT LT 21

MAP GRID PARCEL SUB-DIV FLAT SECT BLOCK LOT
78 20 468 0 4

VILLA NGVA
TRANSFERRED FROM: KLINEHAMER RICHARD F 06/01/94 #112100

PRESS: (F1) VALUES SCRN (F2) RETURN TO LIST SCRN (F3) SELECT NEXT PROPERTY

MARYLAND DEPARTMENT OF ASSESSMENTS AND TAXATION (21.1)
REAL PROPERTY SYSTEM
BALTIMORE COUNTY

VALUES SCREEN

DISTRICT: 03 ADD NO: 0026020490

OWNER NAME: WILLIAMS RICHARD BERLIN TOWN CODE: 000
CURRENT VALUE PARSENT VALUE PARSENTV ASSESSMENTS
BASE VALUE AS OF AS OF AS OF AS OF
LAND 20,590 07/01/95 07/01/95 07/01/95 07/01/95
IMPT 53,880 07/01/95 07/01/95 07/01/95 07/01/95
TOTAL 74,470 86,580 86,580 07,000 74,500

PREF LAND: 0 0 0 0 0

PRIMARY STRUCTURE DATA PARTIAL EXEMPT ASSESSMENTS
YEAR BUILT ENCLOSED AREA CODE 07/01/94 07/01/95
1954 1,006 SF COUNTRY 000 0
LAND AREA 17,500 ACRES E & A 0 0
MAINTENANCE 0 0 0 0 0

62.50 at present

```

MARLAND DEPARTMENT OF ASSESSMENTS AND TAXATION
REAL PROPERTY SYSTEM
VALUES SCREEN
BALTIMORE COUNTY
DISTRICT: 00 ACCT NO: 0010047090
SUBDIST:
OWNER NAME: JACKSON LENDRA P
TOWN CODE: 000
BASE VALUE CURRENT VALUE PHASE-IN VALUE PHASE-IN ASSESSMENTS
AS OF AS OF AS OF AS OF
LAND : 20,660 27,658 07/01/95 07/01/94 07/01/95
IMPT : 38,110 39,86 07/01/95 07/01/94 07/01/95
TOTAL : 78,770 86,520 86,520 33,572 34,610
PREF LAND: 0 0 0 0 0
PRIMARY STRUCTURE DATA PARTIAL EXEMPT ASSESSMENTS
YEAR BUILT ENCLOSED AREA CODE 07/01/94 07/01/95
1948 1,436 SF COUNTRY 000 0 0
STATE 000 0 0
LAND AREA: 14,632.00 SF MUNICIPAL 000 0 0
PRESS: (1) PRIMARY SURV (F3) SELECT NEXT SCREEN

```


Leaf Burning

It looks like fall is just around the corner and the leaves are falling. Pretty soon we will all be out in our yards attempting what seem like an endless battle to clean them up.

Just to clear up any confusion and to avoid conflicts between neighbors it is also time to remind everybody that outside burning is illegal in Baltimore County.

So what do you do with all of those leaves etc.? You can start a compost pile or Baltimore County will pick up leaves, when bagged, on the same day as your can and glass recycling.

Bridge Re-Opening Ceremony

Thrift Legislation passed that day a theft a felony and was helped by the bridge re-opening. All in all it was a good day. Not only did it save the day by helping to blow up balloons and do the bridge. Thanks for all of your help.

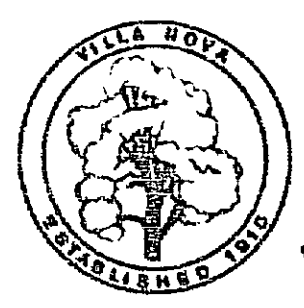
The picture is of our County Executive C.A. Dutch Ruppersberger and County Councilman Kevin Kamenetz cutting the ribbon on the bridge.



CLM 12 FINE

THE T-BACCO INDUSTRY reports that it provides jobs for 2 million Americans - and this does not include physicians, X-ray technicians, nurses, hospital employees, firefighters, drug chemists, respiratory specialists, pharmacists, morticians and grocers. - Ann Landers

- Rosey Poole - President VNCA

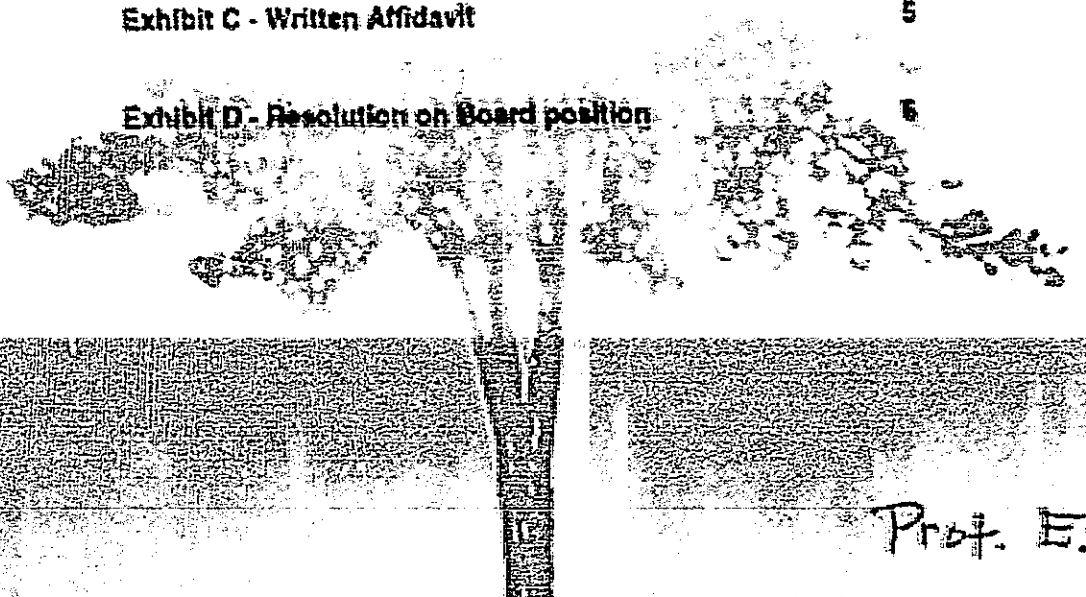


Villa Nova Community Association, Inc.

Qualification of Joan Alston, Zoning Chairman, to appear before the Board of Appeals as a representative of the Villa Nova Community Association, Inc.

Table of Contents:

- Villa Nova Community Association, Inc. List of Board Members and Officers 1996 1
- Letter to the People's Council for Baltimore County 2
- Exhibit A - Map of Villa Nova 3
- Exhibit B - Resolution of zoning responsibilities 4
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- Exhibit D - Resolution on Board position 6



Prot. Ex. 1

AN AGREEMENT BETWEEN
BARRY CHAPMAN AND LENORA JACKSON-CHAPMAN

Prot. Ex. 2

Receipt for Certified Mail

Postage: \$3.20

Postmark: JUN 24 1995

AGREEMENT BETWEEN
BARRY CHAPMAN AND LENORA JACKSON-CHAPMAN
AND
HARD WILLIAMS AND CYNTHIA ALEXANDER-WILLIAMS

JUNE 24, 1995.

mentioned parties, do hereby make this agreement and acknowledgement to be our collective act. We agree that the Chapman's will utilize 1 1/2 feet of space on the side of the two homes between their respective properties. The Chapman's property known as 4114 Buckingham Road and the Williams property known as 4116 Buckingham Road. Furthermore, pluses and minuses that exist between the properties and their is not a true boundary survey present. The Williams hereby grant a perpetual easement of 1 1/2 feet of property going in the direction of their home, if the 1 1/2 feet is in fact their property. In which, the Chapman's believe in honorable conscience that the land of 1 1/2 feet is their property. However, this Agreement is final and shall bind our heirs and successors. And assigns their interests in either of the properties.

BARRY CHAPMAN

RICHARD WILLIAMS

LENORA JACKSON-CHAPMAN

CYNTHIA ALEXANDER-WILLIAMS

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Prot. Ex. 3
For I.D.

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

December 12, 1995

(410) 887-4386

Mr. and Mrs. Barry Chapman
4114 Buckingham Road
Baltimore, Maryland 21207

RE: Case No. 96-69-A
Petition for Zoning Variance
Property: 4114 Buckingham Road

Dear Mr. and Mrs. Chapman:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been denied.

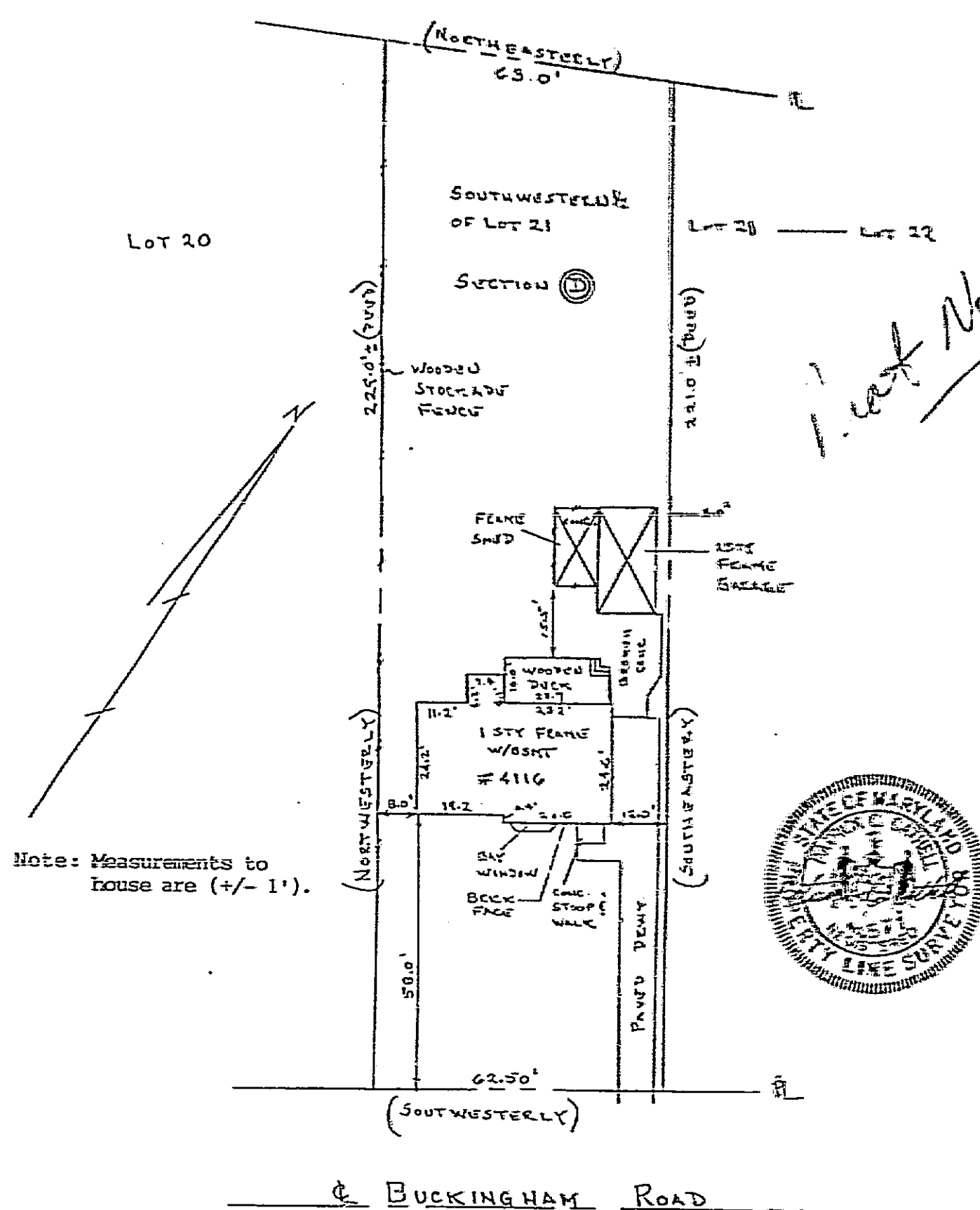
In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours

Lawrence E. Schmidt
Zoning Commissioner

cc: Mr. and Mrs. Richard B. Williams
Mr. and Mrs. Robert F. Hyde
Mr. George H. Gohardt
Mr. and Mrs. Irving T. Basil
Mrs. Joan Alston

LOCATION DRAWING



*Note: Being the Southwestmost half of Lot No. 21, Section "D" as shown & designated on the Revised Plan of Block "D" Villa Nova.
Plat Ref: Plat Book W.P.C. No. 3, folio 101.

THE LOT SHOWN HEREON APPEARS TO BE WITHIN FLOOD ZONE "C" PER FEMA FLOOD INSURANCE RATE MAP PANEL # 240010 0380 B Effective Date 03-02-81
This plat is of benefit to a consumer only insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing or re-financing.
This plat is not to be relied upon for the establishment or location of fences, garages, buildings, or other existing or future improvements.
This plat does not provide for the accurate identification of property boundary lines, but such identification may not be required for the transfer of title or securing financing or refinancing.

THIS IS TO CERTIFY THAT WE HAVE CONDUCTED A LOCATION SURVEY OF THE IMPROVEMENTS AND THAT THEY ARE LOCATED AS SHOWN HEREON.
Signature: [Signature]
Reg. No. 571 Date 05/10/95

CLS And Associates
P.O. Box 190
Lisbon, MD 21765
Tel: (410) 442-5117 Fax: (410) 442-5115
Beeper: 204-3565

ZONING VIOLATION INSPECTION

Inspector: [Name]
Location: 4114 Buckingham Rd
Structure: Apartment
Other: []
Com: 4114
Phone: 469-2866
Date of Complaint: 6 U.V.'s Commercial Van

Exhibit B

Mrs. Lenora Jackson
Mrs. Lenora Jackson-Chapman
Mr. Barry Chapman
4114 Buckingham Road
Baltimore, Maryland 21207
Date: Aug 29, 1995

Dear Mr. James Thompson
We are writing you to inform you that we have complied with removing the vehicles from the rear yard and the inspectors can contact us to see that the compliance has been met. Thank you very much for your time and consideration in this matter.

Sincerely,
Lenora Jackson-Chapman
Barry Chapman

cc: Mr. Timothy Pitts, Baltimore County Inspector

LJC/BC/1sg

BALTIMORE COUNTY POLICE DEPARTMENT - FORM 10 - CRIME REPORT

Case No: 96-69-A
Date: 08-31-95
Location: 4114 Buckingham Rd
Officer: [Name]
Suspect: [Name]
Vehicle: [Name]
Investigative Interviews: []
Suspect(s): []
Suspect Vehicle: []
Physical Evidence: []
Stolen Property: []
Is any form or type of M.O. present? If yes, describe: []
Prosecution: []
Follow-up Search: []
TOTAL SCI: []

I know Jackson-Chapman
is also a member of
the village park in
our community

Exhibit D

CAR RADIO WAS STOLEN
IN DRIVEWAY AT 4114
BUCKINGHAM RD. BULKY BLDG. 2000
Report on file at Police
Dept. 3/44

Exhibit D

BALTIMORE COUNTY, MARYLAND
OFFICE OF THE BUILDING ENGINEER
JOB LOCATION: 4114 BUCKINGHAM RD.
DISTRICT: 2
PERMIT NO.:
BLDG. INSP. 887-3923
PLUMB. INSP. 887-3620
ELEC. INSP. 887-3960
SECT. CON. INSP. 887-3326
BLOOD. ENG. 887-3370

CORRECTION NOTICE

I HAVE THIS DAY INSPECTED THIS STRUCTURE AND THESE PREMISES AND HAVE FOUND THE
FOLLOWING VIOLATIONS OF THE LAWS OF BALTIMORE COUNTY CODE
CODE: CABO 112. EAC. SEC. 110.1

NO RECORD OF PERMIT ON FILE, PERMIT
IS TO BE ISSUED FOR ATTACHED GARAGE

THESE CONDITIONS MUST BE CORRECTED NOT LATER THAN DATE 7/14/95
FAILURE TO COMPLY CONSTITUTES A VIOLATION OF COUNTY LAW
DATE 7/14/95 SIGNED INSPECTOR: [Signature]

ALL CORRECTIONS COMPLETE AND APPROVED
DATE: SIGNED INSPECTOR:

DO NOT REMOVE THIS TAG

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF PERMITS AND LICENSES
TOWSON, MARYLAND 21204

OWNER'S INFORMATION
NAME: JACKSON, LENDRA
ADDR: 4114 BUCKINGHAM RD.
TENANT:
CONTR: OWNER
ENGR:
SELLR:
WORK: CONSTRUCT GARAGE ON SIDE OF EX SFD.
FOUNDATION TO CODE REQUIRED. CORRECTION NOTICE
ISSUED - NO FEE ASSESSED.
7'X 45'X 15' = 315SF

BLDG. CODE: 1 AND 2 FAM. CODE
RESIDENTIAL CATEGORY: DETACHED
OWNERSHIP: SEPARATELY OWNED
ESTIMATED \$ PROPOSED USE: SFD & ADDITION
2,500.00 EXISTING USE: SFD
TYPE OF IMPRV: ADDITION
USE: ONE FAMILY
FOUNDATION: WATER: PUBLIC EXIST
SEWER: PUBLIC EXIST

SIZE AND SETBACKS
STREET: 62.50' X
STREET: 15' X 10'
SETBACK: 15' X 10'
SETBACK: 15' X 10'

THIS PERMIT
EXPIRES ONE
YEAR FROM DATE
OF ISSUE

PLEASE REFER TO PERMIT NUMBER WHEN MAKING INQUIRIES.

Exhibit E

Notes

Mrs. Chapman

On 7/14/95, Mrs. Chapman informed the undersigned that a
request from the Baltimore County Inspector (Inspector
[Name]) advised Mrs. Chapman that this writer, [Name], had
been called to inspect a department in reference to the
improper building a garage onto these house.

The undersigned was not aware that the Chapman were
building a garage. Therefore, this writer did not call the
inspection department. It is obvious that someone else
called and used the writer's name.

This writer respectfully requests of the Baltimore County
inspection department to investigate this alleged incident
and to report any findings to the undersigned at the
writer's address (Baltimore number (410) 486-7458),
Baltimore, Maryland 21207.

The alleged incident is an attempt to defame the writer's
character.

Sincerely,
[Signature]

Exhibit I

BALTIMORE COUNTY, MARYLAND
OFFICE OF THE BUILDING ENGINEER

JOB LOCATION: 4114 BUCKINGHAM RD.
DISTRICT: 2
PERMIT NO.: 3241192
BLDG. INSP. 887-3923
PLUMB. INSP. 887-3620
ELEC. INSP. 887-3960
SECT. CON. INSP. 887-3326
BLOOD. ENG. 887-3370

CORRECTION NOTICE

I HAVE THIS DAY INSPECTED THIS STRUCTURE AND THESE PREMISES AND HAVE FOUND THE
FOLLOWING VIOLATIONS OF THE LAWS OF BALTIMORE COUNTY CODE
CODE: CABO 112. EAC. SEC. 110.1

NON-COMPLIANCE WITH PERMIT
FAILURE TO OBSERVE SETBACKS
ERECTING NOT TO CODE

THESE CONDITIONS MUST BE CORRECTED NOT LATER THAN DATE 8/8/95
FAILURE TO COMPLY CONSTITUTES A VIOLATION OF COUNTY LAW
DATE 7/25/95 SIGNED INSPECTOR: Lewis Maye

ALL CORRECTIONS COMPLETE AND APPROVED
DATE: SIGNED INSPECTOR:

DO NOT REMOVE THIS TAG

Baltimore County Government
Department of Permits and Licenses

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3610

REQUEST FOR ASSISTANCE

DATE: 7/26/95 REF:

COMPLAINANT INFORMATION:
Name: Mr. Novie
Address:
Phone:

VIOLATION ADDRESS: 4114 BUCKINGHAM RD

ALLEGED VIOLATION: Addition Too Close To Property Line

INSPECTOR ASSIGNED: MAYOR DISTRICT: 3

DATE OF INSPECTION: 7/25/95

RESULTS OF INSPECTION: Left Corr. Notice
Addition 7' From Next House

ACTION TAKEN: Left Corr. Notice For Failure To
Observe Setbacks

Exhibit J

111 West Chesapeake Avenue
Towson, MD 21204

REQUEST FOR ASSISTANCE

DATE: 7/12/95 REF: 222

COMPLAINANT INFORMATION:

Name: GUS HARRIS
Address:
Phone: 444-3842

VIOLATION ADDRESS: 4114 BUCKINGHAM RD

ALLEGED VIOLATION: BUILDING GARAGE W/O PERMIT.

INSPECTOR ASSIGNED: GRANT KIDD DISTRICT: 2

DATE OF INSPECTION: 7/11/95

RESULTS OF INSPECTION: ISSUED CORRECTION NOTICE,
PERMIT FOR GARAGE.

ACTION TAKEN: CORRECTION NOTICE ISSUED FOR ATTACHED
GARAGE. GAVE CORR. NOTICE TILL 7/14/95

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at: 4114 Buckingham Road
Baltimore, County, Maryland 21207
Barry Chapman

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: because we are in an undue hardship, which was not the result of our actions. Also we need to make reasonable use of our property for off street parking and the difficulties or hardship is peculiar to the subject property as compared to other properties in the zoning district. There are numerous garages within the block, surrounding blocks and throughout the zoning district. The applicants need to secure the property from theft of property, to also prohibit access to swimming pool area, thereby preventing potential harm to others. Furthermore the garage will be utilized to shield the property from continuous water damage to the property because of lack of drainage on this side of the road.

That Affiant(s) acknowledge(s) that if a proper filed Affidavit will be required to pay a repeating and advertising fee and may be required to provide additional information.

Barry Chapman
Signature
Barry Chapman
State of Maryland
Date of first filing

STATE OF MARYLAND, COUNTY OF BALTIMORE, ss: I, Barry Chapman, a Notary Public of the State of Maryland, do hereby certify that the above named Affiant(s) personally appeared before me and acknowledged to me that he/she/they executed the foregoing Affidavit as their true and correct statement.

Lenora Jackson-Chapman and Barry Chapman

the Affiant(s) herein personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her knowledge and belief.

AS WITNESS my hand and Notarial Seal

8-21-95

NOTARY PUBLIC STATE OF MARYLAND
My Comm. Expires 8-21-99

My Commission Expires 8-21-99

Exhibit L

Fax To: Mr. Lewis Mayer 410-887-5708
Office 887-3953

August 7, 1995

RE: Permit #B241192 For Property Known as 4114 Buckingham Road
Baltimore, Maryland

Dear Mr. Lewis Mayer of the Baltimore County Building Inspection Office
Per our conversation today concerning the corrections that need to be made to the above mentioned property. With regard to the set backs, we will be applying for a variance on 8-8-95 and will forward you a copy of the application. Also with regard to the framing we will treat the lumber today to bring the framing into compliance with the code. Thank you for your time and consideration in this matter.

Sincerely,
Barry Chapman
Barry Chapman
Lenora Jackson-Chapman
Lenora Jackson-Chapman

Exhibit M

Request for Variance

August 22, 1995

Hi,

My name is Lenora Chapman and I live at 4114 Buckingham Road. My husband, Barry and I applied to zoning to request a variance. A zoning variance can be requested each time a plan is created or a zoning ordinance enacted. Example, is when a other wants to change the uses of their property. In our case we would like to change our carport into a garage. A variance can allow you to uses of property that donot meet zoning requirements. Even when the change is on your own land. If you have no legitimate reason why we should not continue uses of our garage, please sign below.

Thank You

1. Barry & Lenora 4114 Buckingham Rd Baltimore MD 21207
2. Lenora Chapman 4114 Buckingham Rd Baltimore MD 21207
3. Barry Chapman 4114 Buckingham Rd Baltimore MD 21207
4. Lenora Chapman 4114 Buckingham Rd Baltimore MD 21207
5. Barry Chapman 4114 Buckingham Rd Baltimore MD 21207
6. Barry Chapman 4114 Buckingham Rd Baltimore MD 21207
7. Barry Chapman 4114 Buckingham Rd Baltimore MD 21207
8. Barry Chapman 4114 Buckingham Rd Baltimore MD 21207
9. Barry Chapman 4114 Buckingham Rd Baltimore MD 21207
10. Barry Chapman 4114 Buckingham Rd Baltimore MD 21207
11. Barry Chapman 4114 Buckingham Rd Baltimore MD 21207
12. Barry Chapman 4114 Buckingham Rd Baltimore MD 21207
13. Barry Chapman 4114 Buckingham Rd Baltimore MD 21207
14. Barry Chapman 4114 Buckingham Rd Baltimore MD 21207
15. Barry Chapman 4114 Buckingham Rd Baltimore MD 21207
16. Barry Chapman 4114 Buckingham Rd Baltimore MD 21207
17. Barry Chapman 4114 Buckingham Rd Baltimore MD 21207
18. Barry Chapman 4114 Buckingham Rd Baltimore MD 21207
19. Barry Chapman 4114 Buckingham Rd Baltimore MD 21207
20. Barry Chapman 4114 Buckingham Rd Baltimore MD 21207
21. Barry Chapman 4114 Buckingham Rd Baltimore MD 21207
22. Barry Chapman 4114 Buckingham Rd Baltimore MD 21207
23. Barry Chapman 4114 Buckingham Rd Baltimore MD 21207
24. Barry Chapman 4114 Buckingham Rd Baltimore MD 21207
25. Barry Chapman 4114 Buckingham Rd Baltimore MD 21207
26. Barry Chapman 4114 Buckingham Rd Baltimore MD 21207
27. Barry Chapman 4114 Buckingham Rd Baltimore MD 21207
28. Barry Chapman 4114 Buckingham Rd Baltimore MD 21207
29. Barry Chapman 4114 Buckingham Rd Baltimore MD 21207
30. Barry Chapman 4114 Buckingham Rd Baltimore MD 21207

Additional signatures will follow

Congratulations!

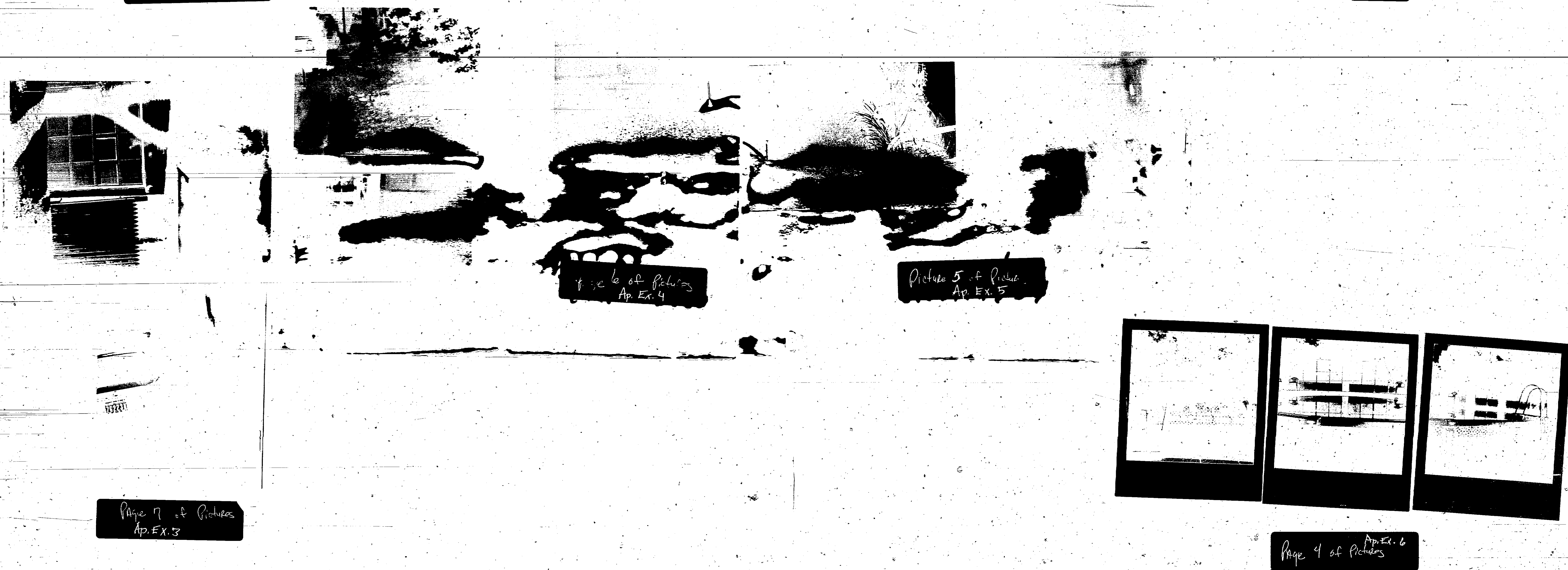
You have placed in the Villa Nova Community Associations "Best Decorated Home" Holiday contest. Please contact me (Rosey) at 653-8610 to arrange receiving your prize.

Thank you,

Happy Holidays,

Rosey Poole
Rosey Poole
President, Villa Nova Community Association
4110 Villa Nova Road
Baltimore, MD 21207
(410)653-8610

Exhibit N



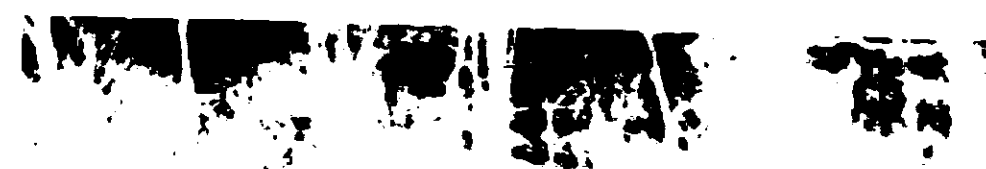
Picture 6 of Pictures
Ap. Ex. 4

Picture 5 of Pictures
Ap. Ex. 5

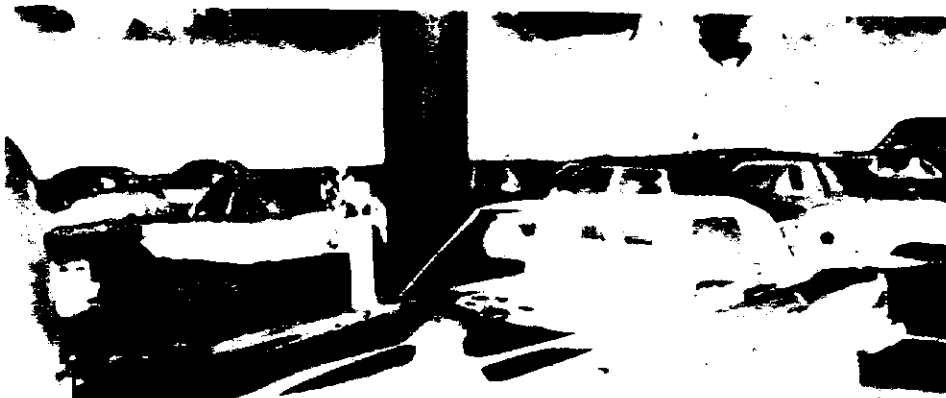


Page 4 of Pictures
Ap. Ex. 6

Page 7 of Pictures
Ap. Ex. 3



Page 2 of Pictures
AP EX 8



Page 8 of Pictures
AP EX 10

Page 1 of Pictures
AP EX 7



Page 1 of Pictures
AP EX 11

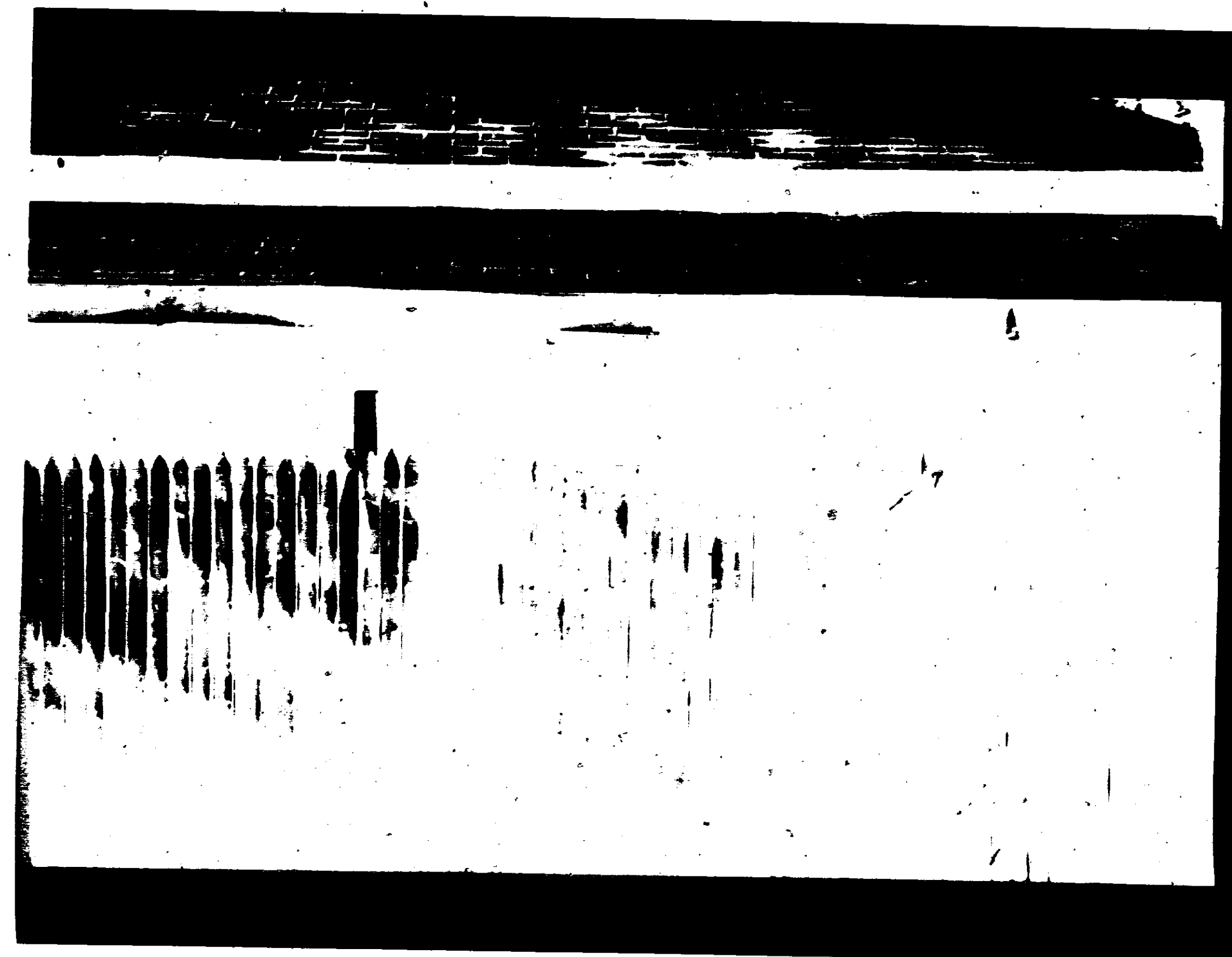
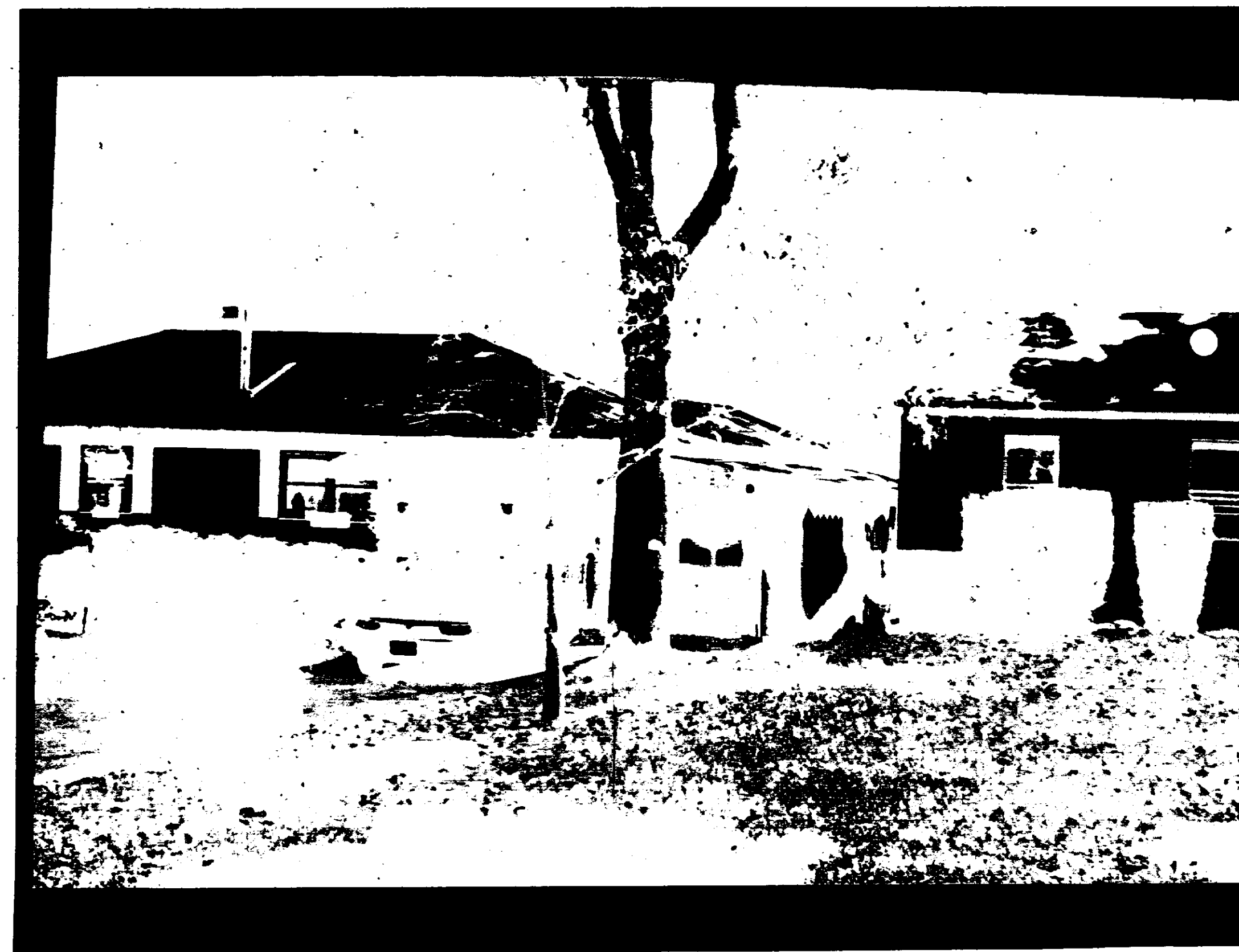
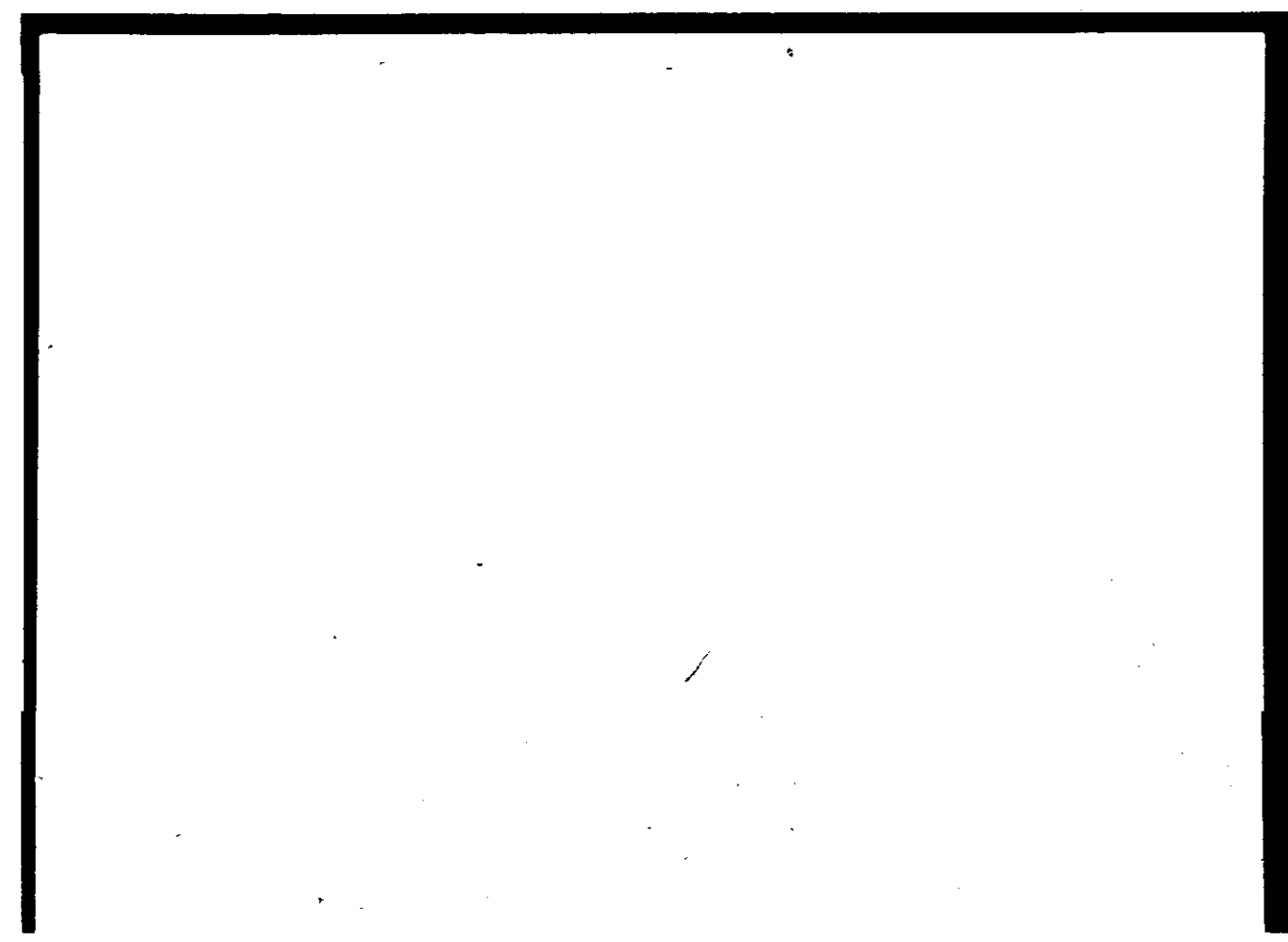
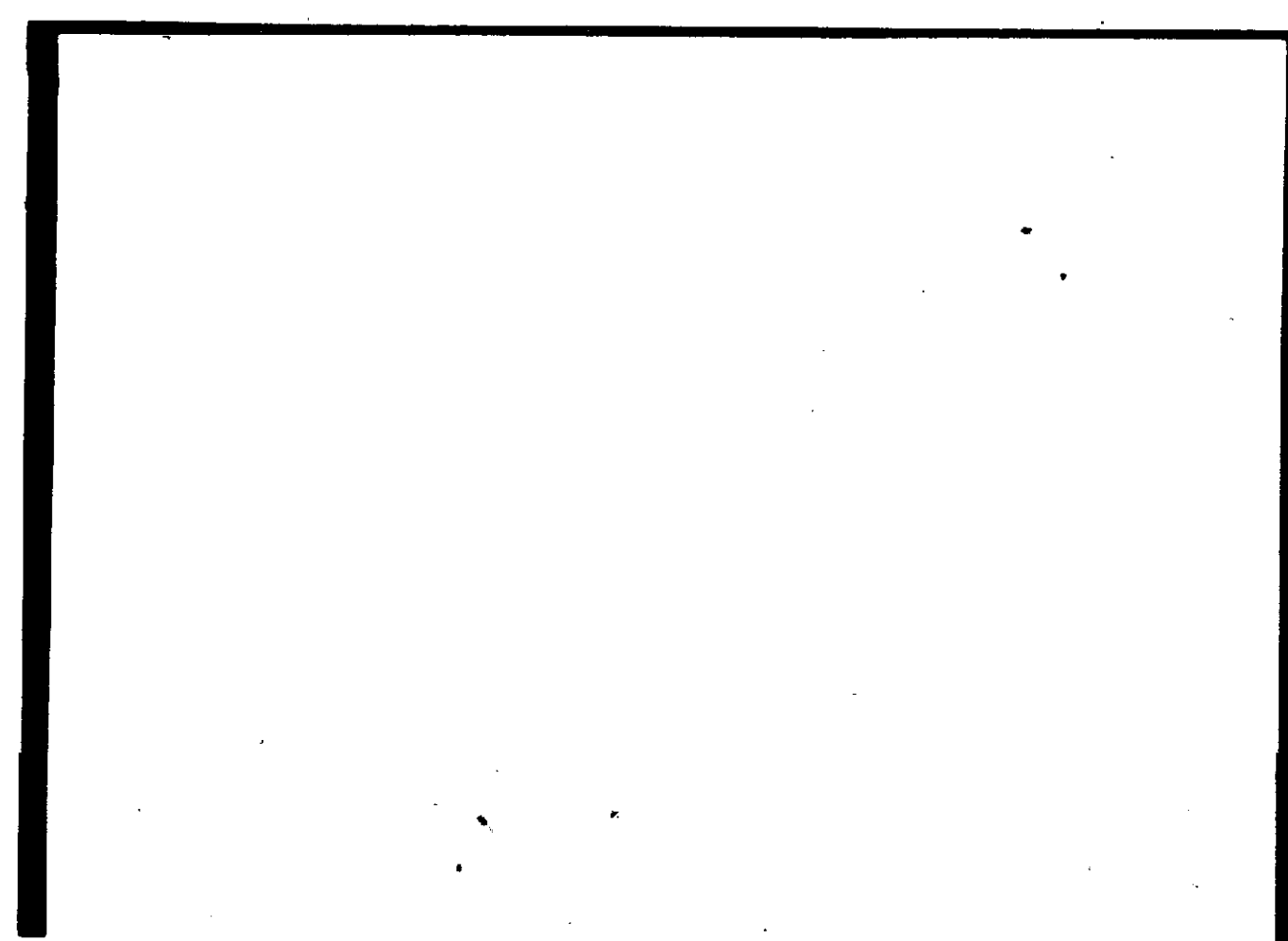
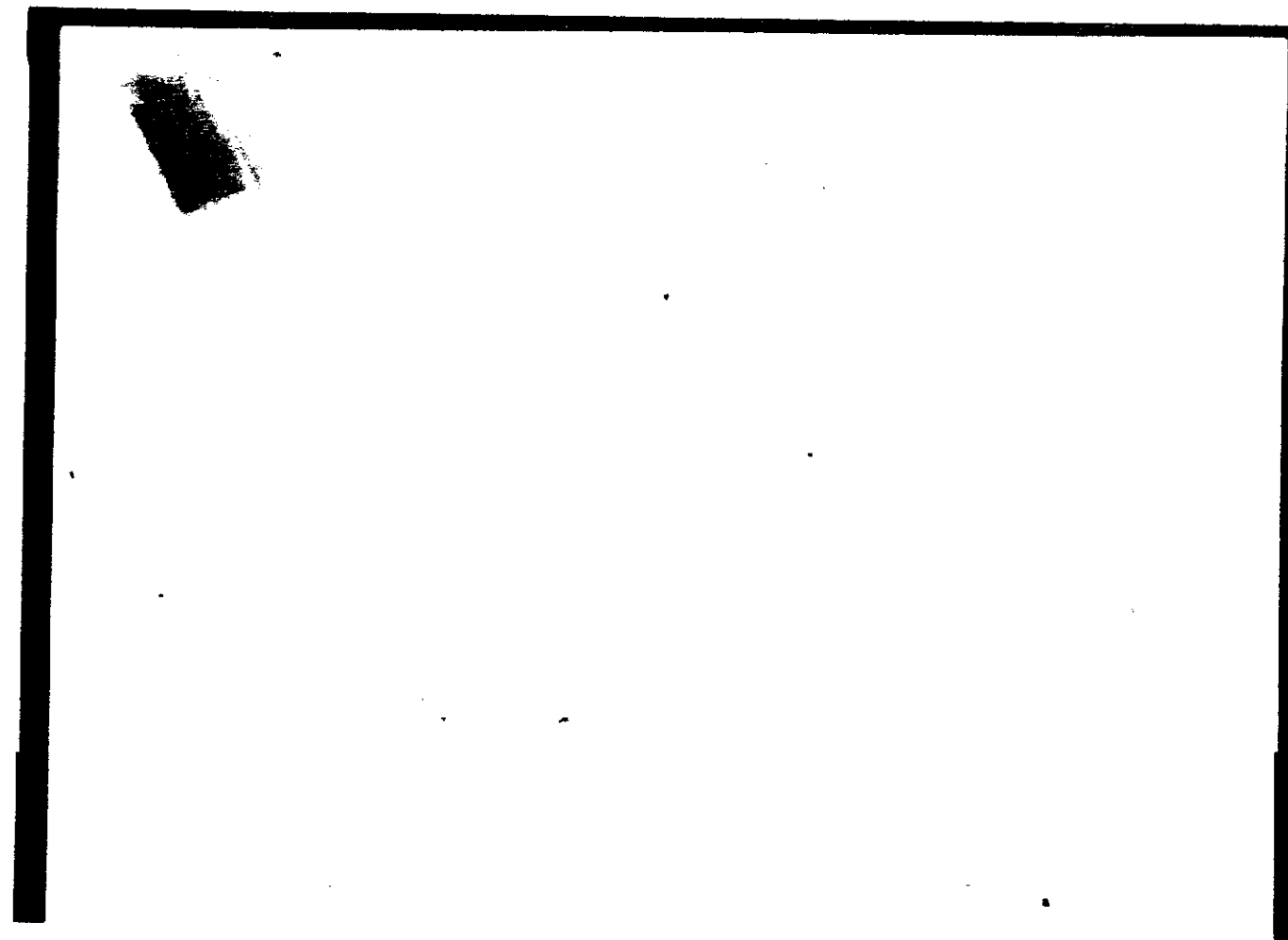
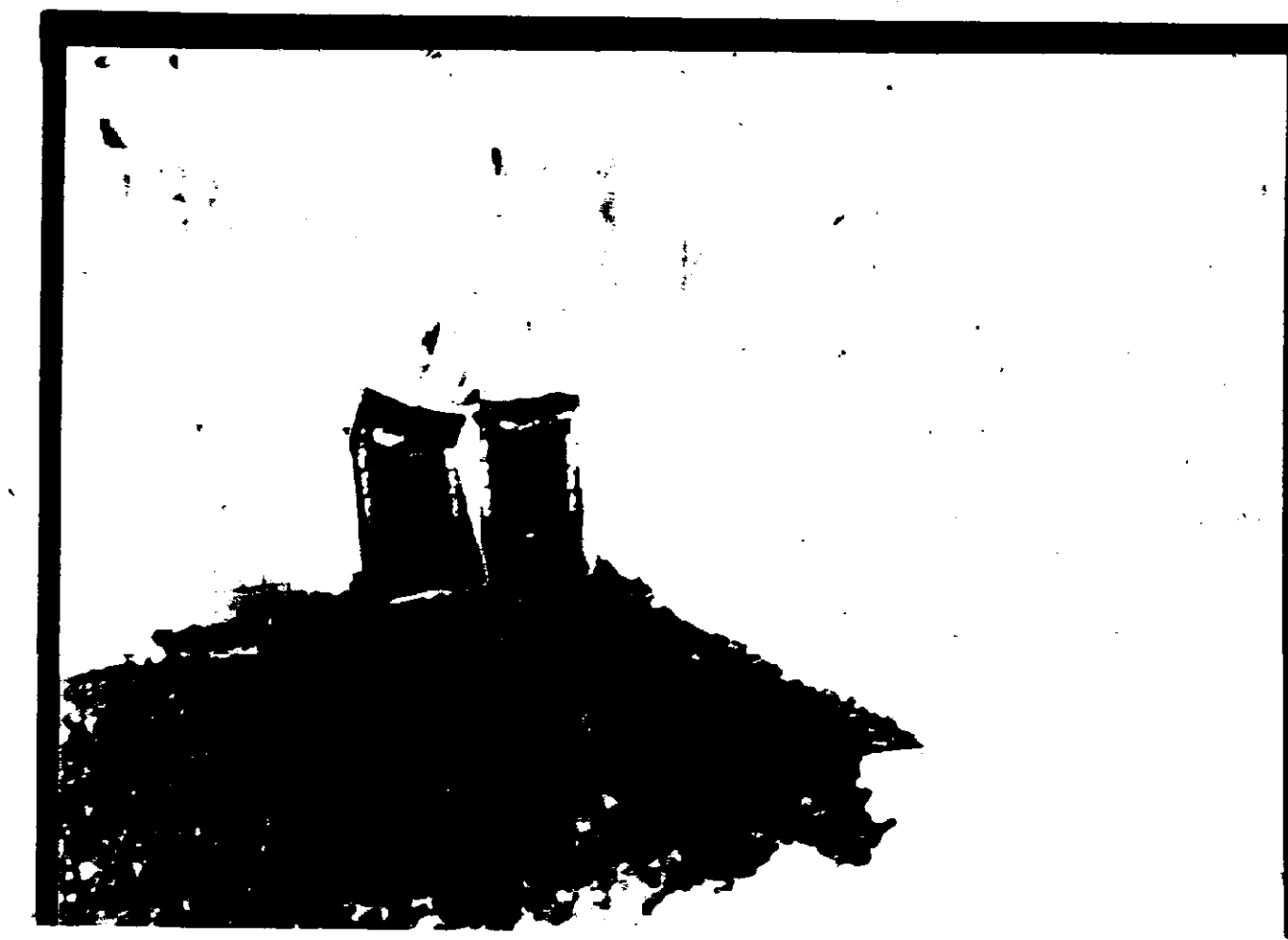
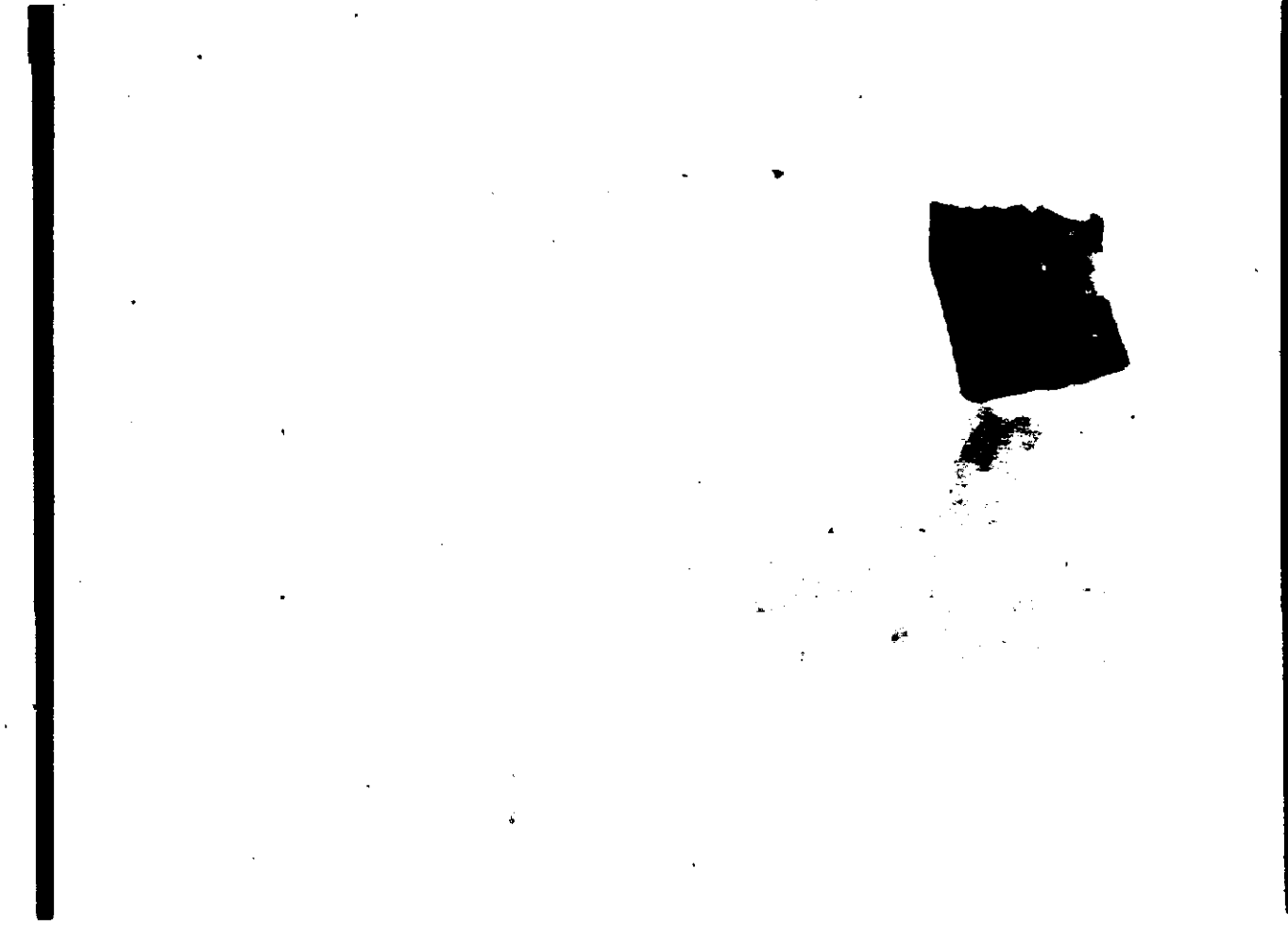
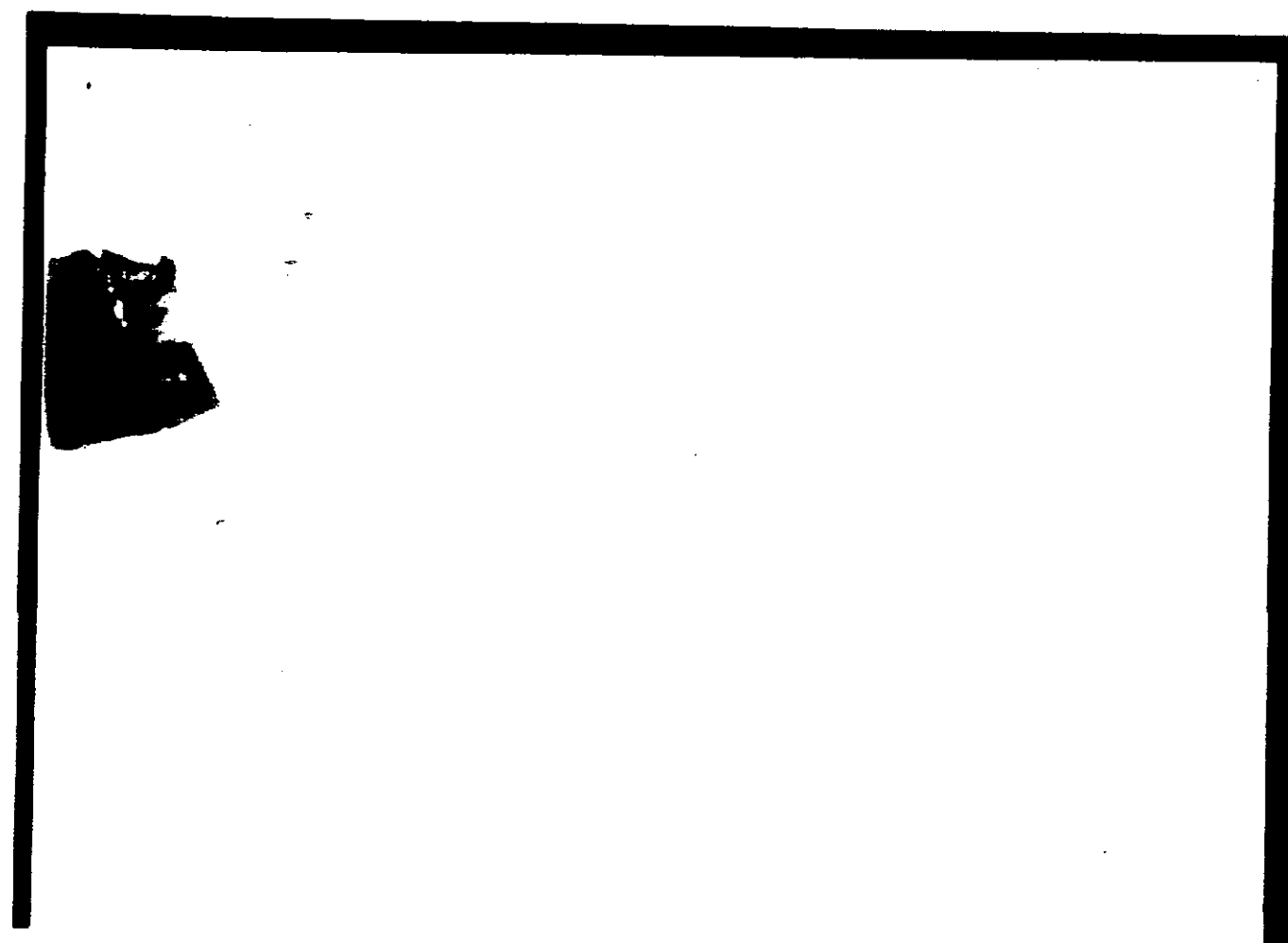
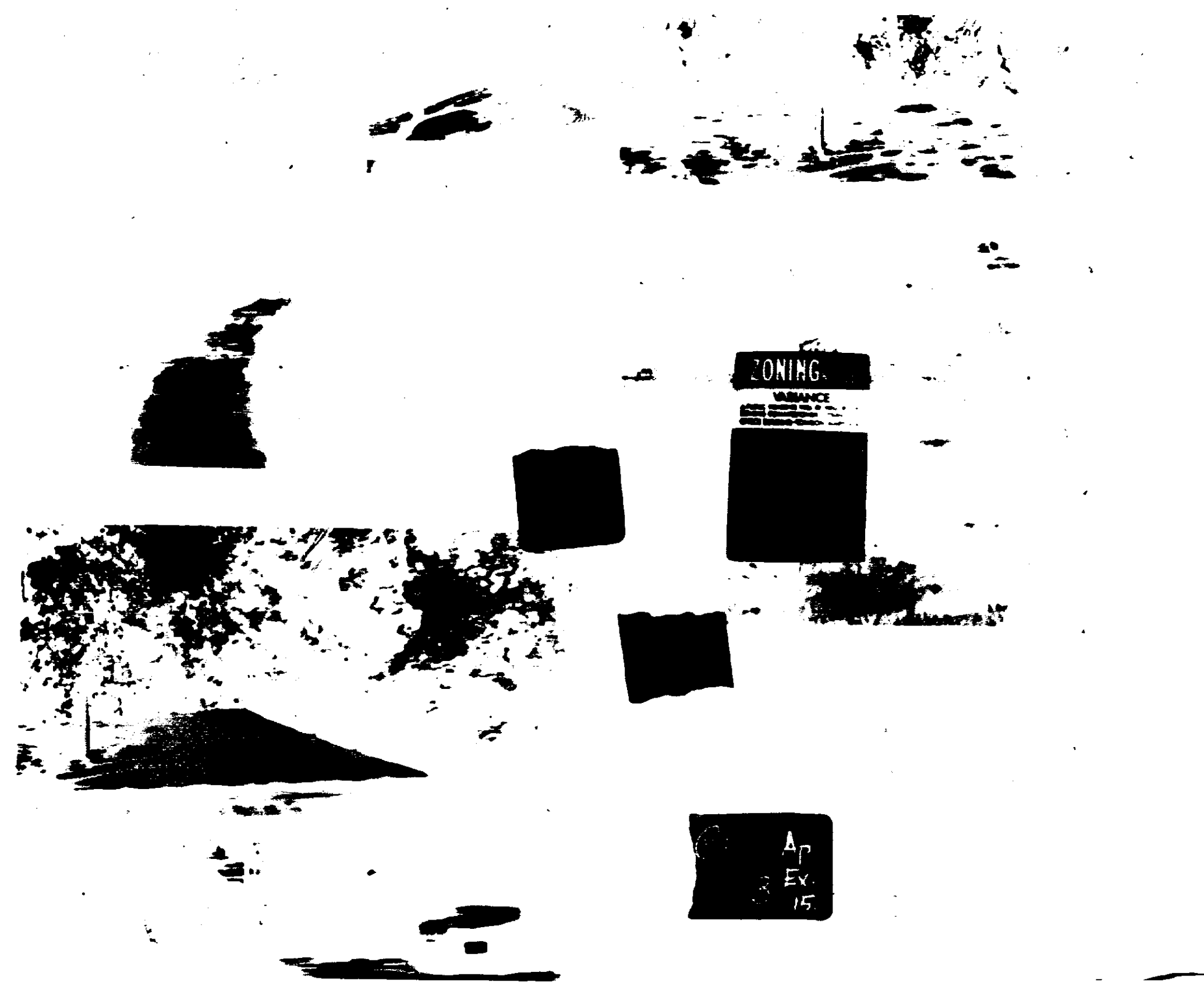


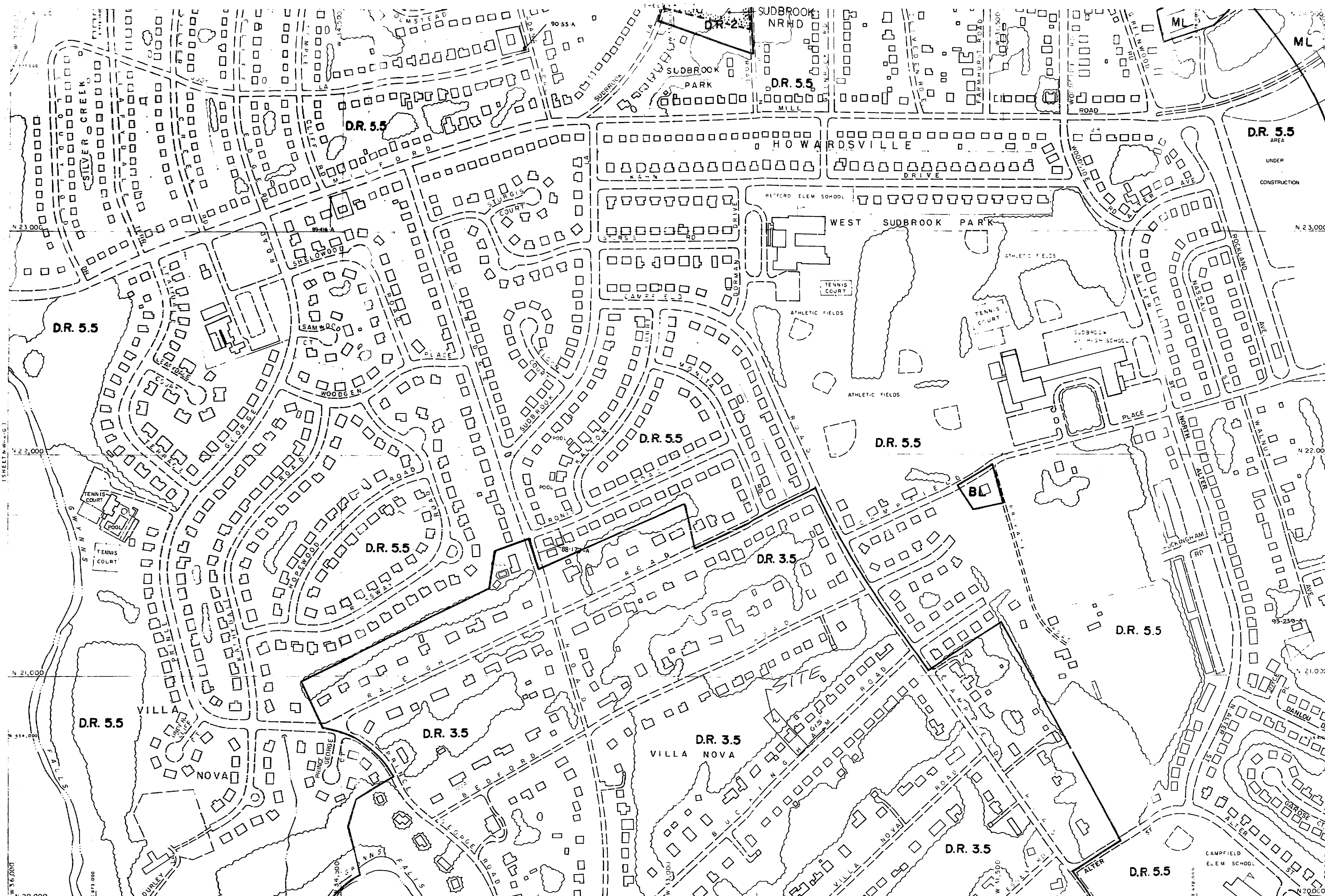
Page 14 of Pictures
AP EX 14



Page 10 of Pictures
AP EX 13







1988 COMPREHENSIVE ZONING MAP
 Adopted by the Baltimore County Council
 Oct. 13, 1988
 BG Nos. 144-88, 145-88, 146-88, 147-88, 148-88, 149-88, 150-88

BALTIMORE COUNTY

OFFICE OF PLANNING AND ZONING

OFFICIAL ZONING MAP

1992 COMPREHENSIVE ZONING MAP
 Adopted by the Baltimore County Council
 Oct. 15, 1992
 BG Nos. 153-92, 154-92, 155-92, 156-92, 157-92, 158-92, 159-92

P-SE
L-NE

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
 TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
 BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

William A. Howard IV
 Chairman, County Council

SCALE
1" = 200'

DATE OF PHOTOGRAPHY
JANUARY 1986

LOCATION
HOWARDVILLE
MILFORD

SHEET
N W
6-F

A-69-96

1091



96-69-A

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W. V. 25401

SCALE	LOCATION	SHEET
1" = 200' ±	HOWARDSVILLE MILFORD	N.W. 6-F
DATE OF PHOTOGRAPHY JANUARY 1986		

MICROFILM



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

October 4, 1996

Mr. and Mrs. Barry Chapman
4114 Buckingham Road
Baltimore, MD 21207

RE: Case No. 96-69-A
Lenora Jackson-Chapman

Dear Mr. & Mrs. Chapman:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules and Procedure. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Charlotte E. Rodcliffe
Charlotte E. Rodcliffe
Baltimore, MD 21207
Legal Administrator

Enclosure

cc: Mr. and Mrs. Richard B. Williams
Mr. and Mrs. Robert F. Hyde
Mr. George W. Gebhardt
Mr. and Mrs. Irving T. Basil
Mrs. Joan Alston
People's Counsel for Baltimore County
Lawrence E. Schmidt / PDM
Arnold Jablon, Director / PDM
Virginia W. Barnhart, County Attorney

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
NS Buckingham Road, 615 ft. S * ZONING COMMISSIONER
of Campfield Road *
4114 Buckingham Road * OF BALTIMORE COUNTY
3rd Election District *
3rd Councilmanic District *
Lenora Jackson Chapman, et al * Case No. 96-69-A
Petitioners * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for the property located at 4114 Buckingham Road in the Villa Nova residential subdivision of Baltimore County. The Petition is filed by Barry Chapman and Lenora Jackson Chapman, property owners. Variance relief is requested from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (BCZR) to allow a side yard setback of 0 ft., for an attached garage, and a sum of the side yard setbacks of 10 ft. in lieu of the minimum required 10 ft. and 25 ft., respectively. The subject property is depicted on numerous photographs which were submitted at the hearing and on the site plan which was submitted at the time the Petition was filed. This site plan was marked and received into evidence as Petitioners' Exhibit No. 1.

This matter was originally filed as an administrative variance pursuant to Section 26-127 of the Baltimore County Code. That section permits the Zoning Commissioner to grant variance relief from the strict application of the provisions of the Baltimore County Zoning Regulations without a public hearing for certain owner occupied residential lots. The subject property is residentially zoned (D.R.3.5) and is improved with an occupied single family dwelling. Thus, application was made by the property owners for residential variance relief. Following this application, the property was posted as required. Within the posting period, a request for public

hearing was received from several individuals who reside within 1,000 ft. of the subject property. Thus, pursuant to the provisions of Section 26-127 of the Code, a public hearing was convened to consider this matter.

Appearing at the requisite public hearing held for this case were the Petitioners/property owners. Appearing in opposition to the request were Robert F. and Betty L. Hyde, George W. Gebhardt, Irving T. and Jane S. Basil, Joan Alston and Richard B. and Cynthia A. Williams. Mr. and Mrs. Williams reside immediately next door at 4116 Buckingham Road and are the most affected property owners.

Testimony offered on behalf of the Petition was that Mr. and Mrs. Chapman acquired the property in July of 1986. At that time, they described the site as improved with the subject single family dwelling. However, the dwelling was in somewhat dilapidated condition and the property unkempt. Mr. and Mrs. Chapman testified that they have made significant efforts and spent significant sums to upgrade the property. Photographs of the site show that same is now well maintained. In addition to the dwelling, the rear of the lot contains a shed. Examination of the site plan shows the property to be approximately 62.5 ft. wide and 240 ft. deep.

Originally, the property contained an attached carport. This carport was attached to the side of the dwelling which faces the Williams property at 4116 Buckingham Road. Mr. Chapman indicated that there has been an increase in crime in the area. He produced written documentation showing that he has been a victim of crime and that there have been instances of burglary and vandalism. Moreover, Mr. Chapman indicated that a portion of his lot adjacent to the dwelling frequently floods. He indicated that rain flows down the paved driveway and settles in his side yard.

-2-

In order to address these concerns, Mr. Chapman constructed an attached single car garage to the dwelling. This garage is shown in a series of photographs which were submitted and is on the side of the property facing the Williams' house. The garage is approximately 15 ft. deep, 10 ft. wide and 15 ft. high. The garage replaced the open carport which existed at this location previously. Due to the garage's location and size, the requested side yard and sum of side yard setback variances were filed. It is of note that the garage was constructed by Mr. Chapman and a friend. A permit was not initially obtained when construction began, however, application for same was ultimately made.

Mr. and Mrs. Williams testified in opposition to the request. Their opposition was joined by other neighbors of the area. They indicate that the garage is located immediately abutting the property line and towers over their side yard. They produced a property line survey (Protestants' Exhibit No. 1) which shows that their house is but 8 ft. from the property line. They observed that this minimal distance is insufficient and that the garage blocks their air, view and light. It was also claimed that the construction of the garage has diverted water runoff into the Williams' yard.

I am appreciative of the Chapmans' concerns regarding crime and their claim to need garage space. Moreover, it appears that their property is generally well kept and that they have improved the site since their acquisition of same. Nonetheless, I am troubled over the fact that the garage was built without a permit. Moreover, the site plan submitted by the Petitioners when the case was filed indicates that the distance from the property line to the Williams' house is 46 ft. The photographs and property line survey submitted by Mr. and Mrs. Williams show that the Chapmans' house is only 8 ft. from the property line, significantly less than the 46

-3-

Printed with Soybean Ink
on Recycled Paper

ORDER RECEIVED FOR FILING
Date *10/15/96*
By *Ch. Rodcliffe*

ORDER RECEIVED FOR FILING
Date *10/15/96*
By *Ch. Rodcliffe*

ORDER RECEIVED FOR FILING
Date *10/15/96*
By *Ch. Rodcliffe*

ft. shown. The impact of the garage on the Williams' dwelling located less than 10 ft. away is significantly different than if the house were located, as claimed by the Chapmans, more than 5 times farther away.

Zoning variances must be considered in accordance with the standards set forth in Section 307 of the BCZR. The Petitioner must demonstrate that a practical difficulty would result if strict adherence to the regulations were required. Moreover, in the recent Court of Special Appeals case of *Cromwell v. Ward*, 102 Md. App 691 (1995), the Court ruled that the property owner must demonstrate that the site is unique and different from other properties. As importantly, variance relief can be granted only if same will not be detrimental to surrounding properties.

In this instance, I am not persuaded that the Chapmans have satisfied their burden at law. I particularly find that the garage, as and where constructed, detrimentally affects the adjacent property. This finding, in and of itself, is sufficient to deny the variance. Moreover, the testimony was not persuasive that strict adherence to the regulations would result in a practical difficulty or that the property in and of itself was unique when compared with other parcels. For these reasons, the Petitioner for Variance should be denied and I will so order.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this *15th* day of December, 1995 that a variance from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (BCZR) to allow a side yard setback of 0 ft., for an attached garage, and a sum of the side yard setbacks of 10 ft. in lieu of the minimum required 10 ft. and 25 ft., respectively, be and is hereby DENIED.

-4-

ORDER RECEIVED FOR FILING
Date *10/15/96*
By *Ch. Rodcliffe*

ORDER RECEIVED FOR FILING
Date *10/15/96*
By *Ch. Rodcliffe*

The garage shall be removed within 120 days from the date of this Order or, if this Order is appealed, then within 120 days from when a final decision is rendered in this matter.

LES:mmm

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

December 12, 1995

Mr. and Mrs. Barry Chapman
4114 Buckingham Road
Baltimore, Maryland 21207

RE: Case No. 96-69-A
Petition for Zoning Variance
Property: 4114 Buckingham Road

Dear Mr. and Mrs. Chapman:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been denied.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,

Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner

LES:mmm

cc: Mr. and Mrs. Richard B. Williams
Mr. and Mrs. Robert F. Hyde
Mr. George W. Gebhardt
Mr. and Mrs. Irving T. Basil
Mrs. Joan Alston

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on Recycled Paper

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Petition for Administrative Variance
to the Zoning Commissioner of Baltimore County

for the property located at 4114 Buckingham Road, Baltimore County, Md. 21207
which is presently zoned 1802.3.C.1

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is depicted in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1802.3.C.1.

To allow a side yard setback of zero feet (for an attached garage) and a sum of side yard setbacks of 10 ft. in lieu of the minimum required 10 ft. and 25 ft. respectively.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: [Indicate hardship: (1) Prior to 1948 there were no set back requirements and this is when the house was built. (2) With the current set backs, reasonable use of the property can not be utilized for a permitted purpose. (3) Current zoning won't allow us to protect our property from theft, provide off street parking, secure pool area and prevent continuous water damage, because of lack of drainage. This would be an undue hardship.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Legal Owner(s)
Lenora Jackson-Chapman
Barry Chapman
Signature
Address
City State Zipcode
Attorney for Petitioner:
Barry Chapman
Signature
Address
City State Zipcode
Phone No.
4114 Buckingham Road Baltimore, Maryland 21207
410-653-7255
410-653-7255

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this 15th day of December, 1995, that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reported.

Reviewed by *LES* DATE *12-25-95*
ESTIMATED POSTING DATE: *1/3*
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on Recycled Paper
ITEM # *92*

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/does not presently reside at: 4114 Buckingham Road
Baltimore, County, Maryland 21207

Barry Chapman
Lenora Jackson-Chapman

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance in the above address: various variance in zoning. We the applicants are faced with an undue hardship, which was not the result of our actions. Also we need to make reasonable use of our property for off street parking and the difficulties or hardship is peculiar to the subject property in contrast to other properties in the zoning district. There are numerous garages within the block surrounding blocks and throughout the zoning district. The applicants need to secure the property from theft of property, to also prohibit access to swimming pool area, thereby preventing potential harm to others. Furthermore the garage will be utilized to shield the property from continuous water damage to the property because of lack of drainage on this side of the road.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

Barry Chapman
Signature
Barry Chapman
Type and print name

Lenora Jackson-Chapman
Signature
Lenora Jackson-Chapman
Type and print name

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, that I, the undersigned, a Notary Public of the State of Maryland, is and for the County aforesaid, personally appeared:

Lenora Jackson-Chapman and Barry Chapman

the Affiant(s) herein, personally known or satisfactorily identified to me as such, Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her knowledge and belief.

AS WITNESS my hand and Notarial Seal

8-21-95

My Commission Expires

PROPERTY DESCRIPTION 96-69-A

BEGINNING FOR THE SAME ON THE NORTHERN MOST SIDE OF BUCKINGHAM ROAD AND AT THE DISTANCE OF 615 FEET SOUTH 54 DEGREES 30 MINUTES WEST FROM THE INTERSECTION OF THE NORTHERN MOST SIDE OF BUCKINGHAM ROAD WITH THE WESTERN MOST SIDE OF CAMPFIELD ROAD SAID PLACE OF BEGINNING BEING AT THE CENTER LINE BETWEEN LOTS 20 AND 21, SECTION D, AS LAID OUT ON THE PLAT OF VILLA NOVA SAID PLAT BEING RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY IN PLAT BOOK 3, FOLIO 101 AND RUNNING THENCE BOUNDING ON THE NORTHERN MOST SIDE OF BUCKINGHAM ROAD SOUTH 54 DEGREES 30 MINUTES WEST 62.5 FEET THENCE RUNNING FOR A LINE OF DIVISION NOW MADE NORTH 36 DEGREES 4 MINUTES WEST 240.48 FEET THENCE NORTH 62 DEGREES 6 MINUTES EAST 63 FEET AND THENCE BOUNDING ON THE AFORESAID DIVISION LINE BETWEEN LOTS 20 AND 21 AFORESAID SOUTH 36 DEGREES 4 MINUTES EAST 232 FEET TO THE PLACE OF BEGINNING. THE IMPROVEMENTS THEREON BEING KNOWN AS NO. 4114 BUCKINGHAM ROAD.

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 3rd Date of Posting: 9/2/95
Posted for: Variance
Petitioner: Lenora + Barry Chapman
Location of property: 4114 Buckingham Rd, N/S
Location of Sign: Barry Chapman, 2nd property, 4114 road
Remarks: None
Posted by: Michelle Date of return: 9/7/95
Number of Signs: 1

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE: 8-25-95 ACCOUNT: R-001-6150
96-69-A AMOUNT: \$ 85.00
RECEIVED FROM: Lenora + Barry Chapman
FOR: Residential Variance + 3.44
010 - Res. Var. + 3.44 = \$85.00
020 - 5.94 = \$55.00
Total \$140.00

VALIDATION OR SIGNATURE OF CASHIER

REQUEST FOR HEARING

TO THE ZONING COMMISSIONER FOR BALTIMORE COUNTY:

Re: Case Number: 96-69-A
Petitioner(s): Chapman
Location: 4114 Buckingham Rd, 21207

VILLA NOVA COMMUNITY ASSOC. INC.
Name(s): ROSALIE M. DOOLE
(Type or Print)
() Legal Owners (X) Residents of
4110 VILLA NOVA RD
BALTIMORE, MD 21207
City/State/Zip Code
which is located approximately less than 1000 feet from the property which is the subject of the above petition, do hereby formally request that a public hearing be set in this matter.

Rosalie M Doole
Signature
Date: 9-18-95

rec'd 9-18-95
Jm

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT

DATE: 11/18/96 ACCOUNT: 2001-2-20
AMOUNT: \$ 400.00
RECEIVED FROM: Barry Chapman
FOR: 4114 Buckingham Rd, 21207
VALIDATION OR SIGNATURE OF CASHIER

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 3rd Date of Posting: 9/2/95
Posted for: Variance
Petitioner: Lenora + Barry Chapman
Location of property: 4114 Buckingham Rd, N/S
Location of Sign: Barry Chapman, 2nd property, 4114 road
Remarks: None
Posted by: Michelle Date of return: 9/7/95
Number of Signs: 1



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

August 14, 1995

NOTICE OF CASE NUMBER ASSIGNMENT

Re: CASE NUMBER: 96-69-A (Item 91)
4114 Buckingham Road
N/S Buckingham Road, 615' S of Campfield Road
3rd Election District - 3rd Councilmanic

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3393. This notice also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before September 3, 1995. The closing date (September 18, 1995) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief; (b) deny the requested relief; or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by order of the Commissioner), the property will be reported and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reporting and newspaper advertising are payable by the petitioner(s).

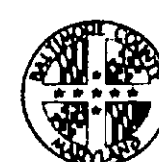
3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$60.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Barry Chapman
Signature

Arnold Jablon
Director

cc: Lenora and Barry Chapman



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3150

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue
May 23, 1996

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), BOARD'S RULES OF PRACTICE & PROCEDURE, APPENDIX C, BALTIMORE COUNTY CODE.

CASE NO. 96-69-A
LENORA JACKSON-CHAPMAN, ET AL - Petitioners
N/S Buckingham Road, 615' S of Campfield Road
(4114 Buckingham Road)
3rd Election District
3rd Councilmanic District

VAR -To allow side yard setback of 0' for attached garage; and sum of side yard setbacks of 10' in lieu of minimum required 10' and 25' respectively.

12/15/95 - Z.C.'s Order in which Petition for Variance is DENIED.

ASSIGNED FOR: WEDNESDAY, JULY 24, 1996 at 10:00 a.m.

cc: Mr. and Mrs. Barry Chapman Appellants /Petitioners
Mr. and Mrs. Richard B. Williams Protestants
Mr. and Mrs. Robert F. Hyde
Mr. George W. Gebhart
Mr. and Mrs. Irving T. Basil
Mrs. Joan Alston - Zoning Commission
People's Counsel for Baltimore County
Lawrence E. Schmidt /
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

Kathleen C. Bianco
Administrative Assistant

5/16/96 -Notice of Assignment for hearing scheduled for Wednesday, July 24, 1996 at 10:00 a.m. sent to following:

Mr. and Mrs. Barry Chapman
Mr. and Mrs. Richard B. Williams
Mr. and Mrs. Robert F. Hyde
Mr. George W. Gebhart
Mr. and Mrs. Irving T. Basil
Mrs. Joan Alston
People's Counsel for Baltimore County
Lawrence E. Schmidt /
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

Deliberated 7/24/96 - D-Var. K.L.M.

TO: PAYMENT PUBLISHING COMPANY
September 28, 1995 Issue - Jeffersonian

Please forward billing to:

Barry and Lenora Chapman
4114 Buckingham Road
Baltimore, MD 21207
653-7255

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-69-A (Item 91)
4114 Buckingham Road
W/S Buckingham Road, 615' S of Campfield Road
3rd Election District - 3rd Councilmanic
Legal Owner: Lenora Jackson-Chapman and Barry Chapman
HEARING: WEDNESDAY, OCTOBER 18, 1995 at 9:00 a.m. in Room 106, County Office Building.

Variance to allow a side yard setback of zero feet (for an attached garage) and a rear of side yard setbacks of 10 feet in lieu of the minimum required 10 feet and 25 feet, respectively.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-1553.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-1551.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

September 20, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-69-A (Item 91)
4114 Buckingham Road
W/S Buckingham Road, 615' S of Campfield Road
3rd Election District - 3rd Councilmanic
Legal Owner: Lenora Jackson-Chapman and Barry Chapman
HEARING: WEDNESDAY, OCTOBER 18, 1995 at 9:00 a.m. in Room 106, County Office Building.

Variance to allow a side yard setback of zero feet (for an attached garage) and a rear of side yard setbacks of 10 feet in lieu of the minimum required 10 feet and 25 feet, respectively.

Carl Jahn

Arnold Jahn
Director

cc: Barry and Lenora Chapman/4114 Buckingham Rd/21207
Village Home Community Association, Inc./Jones Alton/725 Prince George Rd/21207
Roadside Pools/4110 Villa Ave Road/21207
Paul and Pam Rowan/4118 Buckingham Rd/21207
Richard and Cynthia Williams/4114 Buckingham Road/21207
Irving and Jane Reed/4014 Raleigh Road/21208

NOTES: (1) HEARING SITE & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-1553.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-1551.

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Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

September 15, 1995

Ms. Lenora Jackson-Chapman
Mr. Barry Chapman
4114 Buckingham Road
Baltimore, Maryland 21207

RE: Item No.: 91
Case No.: 96-69-A
Petitioner: L. J. Chapman, et al

Dear Ms. Jackson-Chapman:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on August 25, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

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on Recycled Paper

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: ZADM *Joyce Watson* DATE: *Sept. 14*
FROM: DEPRM
Development Coordination
SUBJECT: Zoning Advisory Committee
Agenda: *9-5-95*

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: 81
83
87
89
91
92

LS:sp

LETTY2/DEPRM/TXTSBP



Maryland Department of Transportation
State Highway Administration

David L. Williams
Secretary
MD Association
of Transportation

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. *96-69-A*

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
Ronald Burns, Chief
Engineering Access Permits
Division

BS:es

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jahn, Director
Zoning Administration and
Development Management

DATE: September 1, 1995

FROM: Pat Keller, Director
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 65, 66, 67, 68, 70, 75, 76, 79, 82, 85, 86, 88, 90, and 91

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3482.

Prepared by: *Jeffrey M. Long*

Division Chief: *Carol K. Rorke*

PK/JL

ITEMS2/PZONE/ZAC1



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

May 30, 1996

Mr. Kenneth J. Steinbach
6009 Baltimore National Pike
Baltimore, MD 21228

Subject: APPROVED DEVELOPMENT PLAN - dated 5/30/96
CATON AUTO PARK
PDM No. I-450 DRC No. 08285D

Mr. Steinbach:

Enclosed you will find a copy of the approved, signed plan for your files on the above referenced project.

Our records indicate that a Public Works Agreement fee of \$1,170.00 was paid on February 7, 1996.

You may apply for a building permit with the Department of Permits and Development Management, in the County Office Building, Room 100, 111 West Chesapeake Avenue, Towson, MD. A copy of the approved, signed plan should be presented when making application. Please be advised that building permit approval is contingent upon compliance with all county agency requirements.

Should you have any questions, please do not hesitate to contact our office.

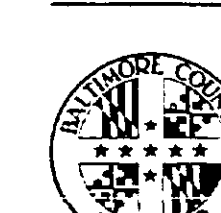
Respectfully,

Christine K. Rorke
Christine K. Rorke
Project Manager

CKR:cab
Attachment - Plan

c: H. Malmud & Associates, Inc. (2)
Jack Schatz, 400 Frederick Road, Baltimore MD 21228
R & P (1) DPR (1)
DEPRM (2) OP (1)
Sophie Jennings, PDM/DR
File
CATON.DOC/CAB

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Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

September 19, 1995

Barry and Lenora Chapman
4114 Buckingham Road
Baltimore, Maryland 21207

Re: Case Number: 96-69-A

Dear Petitioners:

A formal REQUEST FOR PUBLIC HEARING has been filed in your case. Formal notification of the hearing date will be forwarded to you shortly.

As you recall, it now becomes necessary to repost the property and run notice of the hearing in a newspaper of general circulation. This office will ensure that the legal requirements for posting and advertising are satisfied.

Posting charges in the amount of \$35.00 are now due. Your check in this amount should be made payable to "Baltimore County, Maryland" and immediately mailed to this office.

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

Please be further advised that non-payment of fees will stay the issuance of the Zoning Commissioner's Order.

If you have any questions concerning this letter, you may contact Gwen Stephens at 887-3391.

Very truly yours,

Carl Jahn
ARNOLD JAHL, DIRECTOR

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on Recycled Paper